

## **Section by Section: Surface Transportation Reauthorization Act of 2021**

### **Sec. 1101. Authorization of appropriations.**

Section 1101 provides the level of contract authority funding to be made available from the Highway Trust Fund for the Federal-aid highway programs. It also provides the level of authorizations for appropriation from the General Fund for certain programs during the same five-year authorization period of the bill, fiscal years 2022 through 2026.

### **Sec. 1102. Obligation ceiling.**

Section 1102 sets the annual limitation on obligations for Federal-aid highway programs for each of fiscal years 2022 through 2026. This section identifies the programs that are exempt from the obligation limitation and provides the methodology for distributing the obligation authority between programs and among the States.

### **Sec. 1103. Definitions.**

Section 1103 modifies the definition of the term “construction” to include activities associated with assessing resilience and building wildlife crossing structures, modifies the definition of the term “transportation systems management and operations” to include consideration of incorporating natural infrastructure, and adds definitions for the terms “resilience” and “natural infrastructure” to the list of defined terms under Section 101 of title 23 United States Code.

### **Sec. 1104. Apportionment.**

Section 1104 provides the amounts for administrative expenses of Federal Highway Administration (FHWA) for each fiscal year and distributes contract authority funding among the States.

### **Sec. 1105. National highway performance program.**

Section 1105 augments the purpose of the National Highway Performance Program (NHPP) to include a focus on measures that increase resiliency to the impacts of sea level rise, extreme weather events, flooding, and other natural disasters, such as earthquakes and rockslides. This section expands eligibility for States to use NHPP funds for resiliency, cybersecurity, and undergrounding utility infrastructure. It also allows a State to use up to 15 percent of its NHPP funding for protective features on a Federal-aid highway or bridge that is off the National Highway System if the protective feature is designed to mitigate the risk of recurring damage or the cost of future repairs from extreme weather events, flooding, or other natural disasters.

### **Sec. 1106. Emergency relief.**

Section 1106 clarifies the Emergency Relief (ER) program may include repairing

damage from natural disasters over a wide area caused by wildfire and sea level rise. It allows the use of ER program funding for protective features designed to mitigate the risk of recurring damage or the cost of future repairs from extreme weather events, flooding, or other natural disasters.

This section removes the restriction on funding for certain projects that were already included on a statewide transportation improvement plan at the time of a disaster. It expands the definition of a comparable facility to include a facility that incorporates economically justifiable improvements designed to mitigate the risk of recurring damage from extreme weather events, flooding, or other natural disasters.

#### **Sec. 1107. Federal share payable.**

Section 1107 provides for a Federal share payable of up to 100 percent for vehicle-to-infrastructure communication equipment and contractual provisions that provide safety contingency funds to incorporate safety enhancements to work zones prior to or during roadway construction activities.

This section extends the deadline for projects to be 100 percent federal-share from 180 to 270 days, as well as allowing for both permanent and temporary repairs to be 100 percent federal-share under the Emergency Relief Program. This section allows the Secretary to waive the federal-share for the Surface Transportation Block Grant Program with considerations regarding whether a project or activity best serve the interests of the Federal-aid highway program and addresses national or regional high priority research, development, and technology transfer problems in a manner that would benefit multiple States or metropolitan planning organizations.

This section also creates a Federal Share Flexibility Pilot Program that gives up to ten States additional flexibility to determine the Federal share on a project, multiple-project, or program basis for projects under any of the following funded under the National Highway Performance Program, the Surface Transportation Block Grant Program, the Highway safety Improvement Program, the Congestion Mitigation and Air Quality Improvement Program and the National Highway Freight Program.

#### **Sec. 1108. Railway-highway grade crossings.**

Section 1108 continues to set aside \$245,000,000 of the funding authorized for the Highway Safety Improvement Program (HSIP) for the Railway-Highway Crossings (Section 130) Program for each of fiscal years 2022 through 2026. This section removes the requirement that at least half of the funds set aside for the Section 130 program must be for the installation of protective devices at railway-highway crossings. This section increases the Federal share for projects funded under the Section 130 program from 90 to 100 percent, as well as clarifies that the replacement of functionally obsolete warning devices is an eligible expense. This section also increases the amount of state incentive payment at-grade crossing closures from \$7,500 to \$100,000.

This section emphasizes eligibility for projects to reduce pedestrian fatalities and injuries from trespassing at grade crossings, and states that it is the sense of Congress that the DOT should, where feasible, coordinate efforts to prevent or reduce trespasser deaths along railroad rights-of-way and at or near railway-highway crossings. This section requires the Comptroller General of the United States to submit a report that includes an analysis of the effectiveness of the Section 130 program as a set-aside within HSIP.

#### **Sec. 1109. Surface transportation block grant program.**

Section 1109 increases the amount of funding set aside within the Surface Transportation Block Grant (STBG) Program for the Transportation Alternatives Program (TAP), increases the minimum percentage of TAP funding that is sub-allocated on the basis of population to 59 percent, and provides a process by which States may opt to increase that percentage to as high as 100 percent. This section allows a State to elect to use up to 5 percent of TAP funds on technical and application assistance and administration, adds eligibilities for smaller communities to apply for TAP funding.

This section also adds new eligibilities to STBG including construction of wildlife crossing structures, electric vehicle charging infrastructure and vehicle-to-grid infrastructure, installation and deployment of intelligent transportation technologies, projects that facilitate intermodal connections between emerging transportation technologies, resilience features, cybersecurity protections, and rural barge landings, docks, and waterfront infrastructure projects, and the construction of certain privately-owned ferry boats and terminals.

This section also increases off-system bridge set-aside, and allows low water crossing replacement projects to be eligible for use under this set-aside, and creates a new set-aside for projects in rural areas.

This section provides for more granular suballocation of funding, with a new population category for 50,000 to 200,000, and provides for state consultation with metropolitan planning organizations

#### **Sec. 1110. Nationally significant freight and highway projects.**

Section 1110 amends the Nationally Significant Freight and Highway Projects (NSFHP) program (also known as the INFRA grant program) by raising the cap on eligible multimodal projects to 30 percent of the amounts made available for grants in each of fiscal years 2022 through 2026. This section provides a limited amount of funds (no more than two percent of program funds total) for the purposes of grant application review, grant administration, and oversight by the National Surface Transportation and Innovative Finance Bureau (also known as the Build America Bureau), and by the relevant operating administrations.

This section sets aside \$150,000,000 per year of NSFHP funds for a pilot program that prioritizes applications offering the greatest non-Federal share of project costs.

This section also increases the minimum amount (from 10 percent to 15 percent) that the

Secretary shall reserve for small projects, as defined by NSFHP, and requires that not less than 30 percent of funds reserved for small projects be used for certain projects in rural areas. This section also increases the Federal share allowable for small projects from 60 to 80 percent, and allows increased maximum Federal involvement for a State with a population density of not more than 80 persons per square mile.

This section also adds the enhancement of freight resilience to natural hazards or disasters such as high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, or steep grades as an additional consideration by the Secretary when making NSFHP grants. The section adds wildlife crossings, surface transportation improvements functionally connected to an international border crossing, and marine highway projects functionally connected to the National Highway Freight Network as eligible projects.

This section allows NSFHP grants and other competitively awarded grants greater than \$5,000,000 to be expended after grant selection but prior to the grant agreement being signed, and for such funds to be credited toward the non-Federal cost share of the project. This section expands the transparency requirements in project selection and requires the Secretary to provide each eligible applicant not selected for an NSFHP grant a written notification that the eligible applicant was not selected, which shall include an offer for a debrief as to why the project was not selected. For each project selected for a grant, this section requires the Secretary to submit a report to Congress explaining the reasons the project was selected. Further, this section requires the Comptroller General and the Department of Transportation Inspector General to conduct separate assessments of the NSFHP project selection process.

#### **Sec. 1111. Highway safety improvement program.**

Section 1111 restores flexibility to fund certain non-infrastructure activities and behavioral safety projects, such as educational campaigns about traffic safety and enforcement activities, and allows a State to spend up to 10 percent of its Highway Safety Improvement Program (HSIP) funding on such projects.

This section includes leading pedestrian intervals, construction or installation of features, measures, and road designs to calm traffic and reduce vehicle speeds, installation or upgrades of traffic control devices for pedestrians and bicyclists, roadway improvements that provide separation between pedestrians and motor vehicles or between bicyclists and motor vehicles, and a pedestrian security feature designed to slow or stop a motor vehicle as an eligible highway safety improvement project.

This section defines a “safe system approach” and “vulnerable road user”, and requires that when total annual fatalities of vulnerable road users in a State represents not less than 15 percent of the total annual crash fatalities in the State, that State shall be required to obligate not less than 15 percent of their HSIP funds for the following fiscal year for projects to address the safety of vulnerable road users. This section also directs the Secretary to update the study on High-risk rural roads.

This section newly creates a Vulnerable Road User Assessment, to be integrated into

the existing requirement for a State Strategic Highway Safety Plan, which requires states to gather and assess data on fatalities and serious injuries of vulnerable road users, and identify a program of projects to mitigate such safety risks.

**Sec. 1112. Federal lands transportation program.**

Section 1112 raises the cap on Federal Lands Transportation Program (FLTP) funds that may be used to improve public safety and reduce wildlife vehicle collisions while maintaining habitat connectivity from \$10,000,000 to \$20,000,000 per year. This section also requires entities carrying out FLTP projects to consider the use of native plants and designs that minimize runoff and heat generation.

**Sec. 1113. Federal lands access program.**

Section 1113 broadens activities eligible under the Federal Lands Access Program (FLAP) to include contextual wayfinding markers, landscaping, and cooperative mitigation of visual blight. This section also requires entities carrying out FLAP projects to consider the use of native plants and designs that minimize runoff and heat generation. This section also allows the use of context-sensitive solutions, which help to ensure that designs for a built structure's size, scale, spacing, lighting, materials, and other design elements are respectful of the setting's natural, scenic, historical, archaeological, and cultural values and visually connect or integrate the character of the Federal lands with adjacent areas and communities.

This section also makes FLAP projects eligible for 100 percent federal share, and lifts the cap for bridge inspections and transportation planning activities from 5 to 20 percent.

**Sec. 1114. National highway freight program.**

Section 1114 increases the maximum number of highway miles a State may designate as critical rural freight corridors from 150 to 300 miles, and as critical urban freight corridors from 75 to 150 miles. This section also provides additional flexibility for lower population-density States to designate as critical rural freight corridors a maximum of 600 miles of highway, or 25 percent of the primary highway freight system mileage in the State – whichever is greater. The section increases the percent of program funds that may be used for eligible multimodal projects from a 10 percent cap to a 30 percent cap, and adds lock, dam, and marine highway projects as eligible as long as the projects are functionally connected to the National Highway Freight Network and are likely to reduce on-road mobile source emissions.

**Sec. 1115. Congestion mitigation and air quality improvement program.**

Section 1115 adds flexibility to the Congestion Mitigation and Air Quality Improvement Program (CMAQ) by allowing States to spend up to 10 percent of CMAQ funds on certain lock and dam modernization or rehabilitation projects and certain marine highway corridor, connector, or crossings projects if such projects are functionally connected to the Federal-aid highway system and are likely to contribute to the attainment or maintenance of a national ambient air quality standard. This section also clarifies when eligible transit operating

costs are not subject to a time limitation or phase-out requirement.

This section also adds eligibility for shared micromobility, including bike share and shared scooter systems, as well as for the purchase of medium- or heavy-duty zero emission vehicles and related charging equipment. This section also permits for the Secretary, at the request of an MPO, to assist that MPO with tracking progress made in minority or low-income populations as part of a performance plan.

#### **Sec. 1116. Alaska Highway.**

Section 1116 clarifies that the Secretary may provide allocated and apportioned funding for certain sections of the Alaska Highway, including sections in Canada, if the highway meets all applicable eligibility requirements. This section does not create new programs or funding sources. This section does not alter current or require new agreements between the United States and Canada.

#### **Sec. 1117. Toll roads, bridges, tunnels, and ferries.**

Section 1117 clarifies that the construction of ferry boats and terminals also includes the construction of maintenance facilities, and permits the use of Federal funds to procure transit vehicles as part of the ferry boat program if the vehicles are used exclusively as part of an intermodal ferry trip. This section also clarifies that for a project to replace or retrofit a diesel fuel ferry vessel that provides substantial emissions reductions, the Federal share of the cost of the project may be up to 85 percent, as determined by the State.

#### **Sec. 1118. Bridge investment program.**

Section 1118 establishes a new competitive grant program to assist State, local, Federal and tribal entities in rehabilitating or replacing bridges, including culverts, and eligibility for large projects and bundling of smaller bridges.

Under this program, the minimum grant amount for a large project is not less than \$50,000,000; the minimum grant amount for any other eligible project is \$2,500,000. In all cases, grant amounts, in combination with other anticipated funds, should be of a size sufficient to enable the project to proceed through completion. This program prioritizes certain projects within States that have applied for but have yet to receive grants, and requires the Secretary, during the period of fiscal years 2022 through 2026, to award each State with not fewer than either 1 large project, or 2 other than large projects.

The bridge program would include an application and evaluation process for large projects, after which the Secretary would submit an annual report to Congress on funding recommendations for large projects, based on project evaluations. Large projects could be funded with multi-year funding agreements. To be able to receive a grant for a project under the program, the Secretary is to determine that an eligible bridge project is justified under factors listed in the section.

Under this program, at least 50 percent of program funds, in the aggregate from fiscal years 2022 through 2026, must be used for large projects, and a total of \$100 million over five years would be set-aside for tribal bridge projects.

**Sec. 1119. Safe routes to school.**

Section 1119 codifies the Safe Routes to School Program and amends it to apply the program through 12th grade to enable and encourage high school students to walk and bike to school safely.

**Sec. 1120. Highway use tax evasion projects.**

Section 1120 reauthorizes funding to be used by the Secretary in conjunction with the Internal Revenue Service to address highway use tax evasion for fiscal years 2022 through 2026.

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

Section 1121 increases funding for the ferry boat program, which funds the construction of ferry boats and ferry terminal facilities.

**Sec. 1122. Vulnerable road user research.**

Section 1122 directs the FHWA Administrator to establish a research plan to prioritize research on roadway designs, the development of safety countermeasures to minimize fatalities and serious injuries to vulnerable road users, and the promotion of bicycling and walking. This includes research relating to roadway safety improvements, the impacts of traffic speeds, and tools to evaluate the impact of transportation improvements on projected rates and safety of bicycling and walking.

**Sec. 1123. Wildlife crossing safety.**

Section 1123 establishes a wildlife crossing pilot program to provide grants for projects designed to reduce wildlife-vehicle collisions and improve habitat connectivity. This section also requires the Secretary update and expand the “Wildlife Vehicle Collision Reduction Study: 2008 Report to Congress,” develop reports, guidance and data collection methodology.

**Sec. 1124. Consolidation of programs.**

Section 1124 provides funding for Operation Lifesaver, work zone safety grants, and safety clearinghouses for fiscal years 2022 through 2026.

**Sec. 1125. State freight advisory committees.**

Section 1125 adds to the makeup and role of State freight advisory committees, and lists State freight advisory committee member qualifications.

**Sec. 1126. Territorial and Puerto Rico highway program.**

Section 1126 authorizes increased funding for the Territorial and Puerto Rico Highway Program, a total of \$900,995,000 for Puerto Rico, and \$239,505,000 for the territories on the National Highway System for fiscal years 2022 through 2026. This section also adds eligibility for preventative maintenance for a portion of the allocation to Puerto Rico.

**Sec. 1127. Nationally significant Federal lands and Tribal projects program.**

Section 1127 amends Nationally Significant Federal Lands and Tribal Projects Program (NSFLTP) by allowing smaller projects to qualify for the program. This section also allows 100 percent Federal share for Tribal projects. This section further requires an even split in total use of funds between Federal lands projects and tribal transportation projects, and requires that for each of fiscal years 2022 through 2026 at least one Federal lands project be in a unit of the National Park System with not less than 3,000,000 annual visitors.

**Sec. 1128. Tribal high priority projects program.**

Section 1128 reinstates and provides funding for the Tribal High Priority Projects program at \$30,000,000 for each of fiscal years 2022 through 2026 from the General Fund, and sets aside for the program \$9,000,000 per year for each of fiscal years 2022 through 2026 from the Tribal Transportation Program.

**Sec. 1129. Standards.**

Section 1129 directs the Department of Transportation to update the Manual on Uniform Traffic Control Devices, and to continue to update the manual no less than every three years thereafter. This section also outlines that the initial update shall include protection of vulnerable road users, the safe testing of automated vehicle technology, and minimum retroreflectivity of traffic control devices and pavement markings. This section also includes electric vehicle charging stations to the section.

**Sec. 1130. Public transportation.**

Section 1130 adds eligibility for a capital project for the construction of a bus rapid transit corridor or dedicated bus lanes, including the construction or installation of traffic signaling and prioritization systems, redesigned intersections that are necessary for the establishment of a bus rapid transit corridor, on-street stations, fare collection systems, information and wayfinding systems, and depots.

**Sec. 1131. Rural opportunities to use transportation for economic success council.**

Section 1131 directs the Secretary to establish a council, to be known as the “Rural Opportunities to Use Transportation for Economic Success Council”, or the “ROUTES Council”,

to ensure that the unique transportation needs and attributes of rural areas, Indian Tribes, and disadvantaged rural communities are fully addressed during the development and implementation of programs, policies, and activities of the Department of Transportation.

It also directs the ROUTES council to increase coordination of programs, policies, and activities of the Department in a manner that improves and expands transportation infrastructure in order to further economic development in, and the quality of life of, rural areas, Indian Tribes, and disadvantaged rural communities, and to provide rural areas, Indian Tribes, and disadvantaged rural communities with proactive outreach to improve access to discretionary funding and financing programs and to facilitate timely resolution on environmental reviews for complex or high-priority projects.

**Sec. 1132. Reservation of certain funds.**

Section 1132 amends language to direct the Secretary to determine if a State has not enacted or is not enforcing an open container law, and a repeat intoxicated driver law, for the prior fiscal before the reservation of certain funds is in enacted.

**Sec. 1133. Rural surface transportation grant program.**

Section 1133 directs the Secretary to establish a rural surface transportation grant program to provide grants, on a competitive basis, to eligible entities to improve and expand the surface transportation infrastructure in rural areas. The goals of the program include increasing connectivity, improve safety and reliability of the movement of people and freight, and the generation of regional economic growth and improve quality of life. A grant under the program shall be at least \$25,000,000, and the federal share shall be at least 80 percent, and up to 100 percent for projects on the Appalachian Development Highway System. No more than 10 percent of funds may be used for projects smaller than \$25,000,000, and at least 25 percent of funds shall be reserved for projects that further the completion of designated routes of the Appalachian Development Highway System.

**Sec. 1134. Bicycle transportation and pedestrian walkways.**

Section 1134 provides a definition for the class 1, 2, and 3 electric bicycles and the addition of micromobility as an eligible use of funds for construction of walkways and bicycle transportation facilities.

**Sec. 1135. Recreational Trails Program.**

Section 1135 allows for funds apportioned to a State under their apportionment to be use on a recreational trail or a related project, shall be administered as if the funds were made available to carry out the Recreational Trails Program.

**Sec. 1136. Updates to the Manual on Uniform Traffic Control Devices.**

Section 1136 directs the Department to update the MUTCD, and to include updates

necessary to provide for the protection of vulnerable road users, supporting the safe testing of automated vehicle technology and any preparation necessary for the safe integration of automated vehicles onto public streets, appropriate use of variable message signs to enhance public safety, and the minimum retro reflectivity of traffic control devices and pavement markings.

#### **Sec. 1201. Transportation planning.**

Section 1201 clarifies considerations required of Metropolitan Planning Organizations (MPO) when designating officials or representatives. This section also enhances coordination among MPOs and encourages States and MPOs to use social media and other web-based tools to encourage public participation in the transportation planning process.

#### **Sec. 1202. Fiscal constraint on long-range transportation plans.**

Section 1202 clarifies that for purposes of developing a financial plan under a metropolitan transportation plan, any years beyond the 4-year transportation improvement plan horizon shall be considered outer years for purposes of financial plan requirements.

#### **Sec. 1203. State human capital plans.**

Section 1203 requires the Secretary to encourage States to develop a voluntary human capital plan for the immediate and long-term transportation-related personnel and workforce needs of the State. These voluntary human capital plans are to be publicly available and updated at least once every 5 years.

#### **Sec. 1204. Prioritization Process Pilot Program.**

Section 1204 establishes a prioritization process pilot program to support data-driven approaches to transportation planning. This section authorizes the Secretary to award grants to selected States and MPOs to fund the development and implementation of publicly accessible, transparent prioritization processes to assess and score projects according to locally determined priorities, and to use such evaluations to inform the selection of projects to include in transportation plans. The purpose of the pilot program is to support data-driven approaches to planning that, on completion, can be evaluated for public benefit.

Pilot program grants may not exceed \$2,000,000. States and MPOs that receive grants shall use funds to develop and implement a publically accessible, transparent prioritization process for the selection of projects for inclusion on the applicable long-term transportation plan. If a grant recipient has fully implemented a prioritization process, they may use any additional remaining grant funds for any transportation planning purpose. In the event that the inclusion or exclusion of a project on a transportation improvement program (TIP) or statewide transportation improvement program (STIP) deviates from the long-term transportation plan, the eligible entity is required to provide a public explanation for the decision.

#### **Sec. 1205. National Goals and Performance Management Measures.**

Section 1205 directs the Secretary to establish, in coordination with the Administrator of the Environment Protection Agency, a rulemaking that establishes the data elements necessary for States to estimate carbon dioxide emissions from on-road highway sources. Furthermore, one year after the rulemaking is established, the Secretary shall, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, promulgate a rulemaking that establishes measures for States to support the reduction in carbon dioxide emissions from on-road highway sources. Section 1205 also allows for the Secretary to provide an exemption to certain State from requirements for limited performance measures and target.

#### **Sec. 1206. Travel Demand Data and Modeling.**

Section 1206 requires the Secretary to carry out a study of forecasted travel demand data compared to actual observed travel, and to use the findings of that study to inform State and MPO use of travel forecasting to evaluate the impacts of transportation investments on travel demand, to support more accurate travel demand forecasting, and to enhance the capacity of States and MPOs to forecast travel and track observed travel behavior.

#### **Sec. 1207. Increasing safe and accessible transportation options.**

Section 1207 requires each State and metropolitan planning organization to spend a minimum amount of funding for either the adoption of complete streets standards and policies, development of a complete streets prioritization plan, active and mass transportation planning, regional and megaregional planning to address travel demand through alternatives to highway travel, or transit-oriented development planning. This section provides an exemption for a State or MPO if it has Complete Streets standards and policies in place, and has developed an up-to-date prioritization plan.

#### **Sec. 1301. Codification of One Federal Decision.**

Section 1301 amends section 139 of title 23, United States Code, to provide new environmental review procedures and requirements for major projects. Under section 1301, the Department of Transportation is required to develop a schedule consistent with an agency average of two years to complete an environmental impact statement and requires accountability to the public when milestones are missed. Environmental documents under this section are limited to 200 pages unless a review is of unusual scope and complexity. The Secretary of Transportation is also directed to work with relevant Federal agencies to adopt appropriate categorical exclusions to facilitate project delivery.

#### **Sec. 1302. Work zone process reviews.**

Section 1302 requires the Secretary to review work zone processes not more frequently than once every 5 years.

#### **Sec. 1303. Transportation management plans.**

Section 1303 requires the Secretary to clarify that only projects with a lane closure for 3 or more consecutive days are to be deemed significant and removes the requirement for a State to develop or implement a transportation management plan for any project that is not on the Interstate and that requires not more than three consecutive days of lane closures.

**Sec. 1304. Intelligent transportation systems.**

Section 1304 requires the Secretary to develop guidance for using existing flexibilities with respect to the systems engineering analysis. Specifically, this section requires the Secretary to ensure that the guidance clarifies criteria for low-risk and exempt intelligent transportation system projects to minimize unnecessary delays or paperwork burdens.

**Sec. 1305. Alternative contracting methods.**

Section 1305 amends sections 201 and 308 of title 23, United States Code, to provide the Secretary flexible authority to use contracting methods available to a State under title 23 on behalf of Federal land management agencies (and Tribes under section 202) in using funds under sections 203, 204, or 308 of title 23, or section 1535 of title 31. This section requires that the Secretary solicit input from stakeholders and consult with Federal land management agencies to establish clear procedures for alternative contracting methods that are consistent with Federal procurement requirements to the maximum extent practicable.

**Sec. 1306. Flexibility for projects.**

Section 1306 requires the Secretary, on request by a State, and if in the public interest, to exercise all existing flexibilities under the requirements of title 23 and other requirements administered by the Secretary to expedite processes.

**Sec. 1307. Improved Federal-State stewardship and oversight agreements.**

Section 1307 requires the Secretary to request public comment on a template for Federal-State stewardship and oversight agreements and requires the Secretary to update existing agreements with States according to the template.

**Sec. 1308. Geomatic data.**

Section 1308 requires the Secretary to develop and issue for public comment guidance for the acceptance and use of information obtained from a non-Federal interest through geomatic techniques, including remote sensing and land surveying, cartography, geographic information systems, global navigation satellite systems, photogrammetry, or other remote means.

**Sec. 1309. Evaluation of projects within an operational right-of-way.**

Section 1309 establishes deadlines for the review, response, and action by Federal

agencies carrying out their permit, approval, or other authorization responsibilities over preventative maintenance, preservation, or highway safety projects (including certain turn lane projects) in the operational right-of-way. This section requires Federal agencies to provide at least a preliminary evaluation of the application within 45 days and subjects Federal agencies that do not meet the requirements of this section to a reporting requirement to describe why the deadline was missed.

**Sec. 1310. Preliminary engineering.**

Section 1311 eliminates the requirement in section 102(b) of title 23, United States Code, that a State repay Federal-aid reimbursements for preliminary engineering costs on a project that has not advanced to right-of-way acquisition or construction within 10 years.

**Sec. 1311. Efficient implementation of NEPA for Federal lands management projects.**

Section 1311 allows for a Federal land management agency to more efficiently satisfy NEPA obligations by relying upon an environmental document previously prepared by the Federal Highway Administration. This section also allows for a Federal Land Management Agency to use the categorical exclusions promulgated in the implementing regulations of the Federal Highway Administration if the use of the categorical exclusion does not otherwise conflict with the implementing regulations of the project sponsor.

**Sec. 1312. National Environmental Policy Act of 1969 reporting program.**

Section 1312 directs the Secretary to carry out a process to track, and annually submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing time to complete the NEPA process for an environmental impact statement and an environmental assessment.

**Sec. 1313. Surface transportation project delivery program written agreements.**

Section 1313 extends the time period for a State to have an agreement to assume the responsibilities under the National Environmental Policy Act of 1969, from a term of not more than 5 years, to allow for any State that has participated in a program under this section for at least 10 years, to have a term of 10 years.

**Sec. 1314. State assumption of responsibility for categorical exclusions.**

Section 1314 extends the time period for a State to assume the responsibility for determining whether certain designated activities are categorical exclusions, from a term of not more than 3 years, to a term of 5 years, in the case of a State that has assumed the responsibility for categorical exclusions under this section for not fewer than 10 years.

**Sec. 1315. Early utility relocation prior to transportation project environmental review.**

Section 1315 amends section 123 of title 23, United States Code, to allow reimbursement with funds made available for title 23 projects for an “early utility relocation project” (defined as those relocation activities identified by the State for performance prior to completion of environmental review for the transportation project). In order for such reimbursement to occur, the early utility relocation project must subsequently be incorporated into a larger, authorized transportation project. In addition to the requirements for reimbursement, this section also outlines requirements for utility relocation prior to completion of environmental review, including that the early utility relocation project did not influence the environmental review process.

**Sec. 1316. Streamlining of section 4(f) reviews.**

Section 1316 establishes a deadline for interagency consultation for Section 4(f) reviews and specifies that if comments are not received within 15 days of the deadline, the Secretary shall assume a lack of objection and proceed with the action.

**Sec. 1317. Categorical exclusions for projects of limited Federal assistance.**

Section 1317 amends the existing categorical exclusion for projects of limited federal funding.

**Sec. 1318. Certain gathering lines located on Federal land and Indian land.**

Section 1524 provides the Secretary of the Interior discretion to establish a categorical exclusion for certain gathering lines that would reduce vented, flared, or avoidably lost natural gas from or vehicular traffic servicing onshore oil and gas wells on Federal land and, with tribal consent, Indian land, as described in a sundry notice or right-of-way submitted to the Bureau of Land Management or, where applicable, the Bureau of Indian Affairs.

**Sec. 1401. Grants for charging and fueling infrastructure.**

Section 1401 directs the Secretary to establish a grant program for Alternative Fuel Corridors, as well as a set-aside grant program for Community grants. These programs are designed to strategically deploy publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure along designated alternative fuel corridors or in certain other locations that will be accessible to all drivers of electric vehicles, hydrogen vehicles, propane vehicles, and natural gas vehicles. Eligible entities include a State or political subdivision of a State, a metropolitan planning organization, a unit of local government, a special purpose district or public authority with a transportation function, including a port authority, an Indian tribe, and a territory of the United States. Section 1401 would also amend section 151 of title 23 to make the process of designating alternative fuel corridors periodic and recurring, and also modifies a reporting deadline

Eligible entities under the program are all public entities and are comprised of: a State or political subdivision of a State; an MPO; a unit of local government; a special purpose district

or public authority with a transportation function; an Indian tribe; an authority entity, agency, or instrumentality of, or an entity owned by, 1 or more of the preceding eligible entities; and a group of the preceding eligible entities.

Applications must include a description of how the eligible entity has considered public accessibility relative to the proposed project, collaborative engagement with stakeholders, the location of the proposed project, responsiveness to technology advancements, and the long-term operation and maintenance of the proposed project.

In selecting eligible entities to receive grants, the Secretary must consider whether an application would improve alternative fueling corridor networks, meet the current or anticipated market for charging or alternative fueling infrastructure, enable or accelerate the construction of charging or alternative fueling infrastructure that would be unlikely to be completed without Federal assistance, and support a long-term competitive market for alternative fueling and charging infrastructure. Additionally, the Secretary must consider geographic diversity among applicants, the finances and experience of private entity contractors, and the adequacy of agreements between eligible entities and their private entity contractors.

Grants for the alternative fuel corridors are to be used to contract with a private entity for acquisition and installation of publicly accessible alternative fuel vehicle charging and fueling infrastructure that is directly related to the charging or fueling of a vehicle. Such infrastructure is to be located along an alternative fuel corridor either designated under section 151, or by a State or group of States on the condition that any affected Indian tribes are consulted before the designation. Eligible entities may use a portion of grant funds to provide a private entity operating assistance for the first 5 years of operations after infrastructure installation.

Eligibility includes propane fueling infrastructure, but limits it to infrastructure for medium- and heavy-duty vehicles.

50 percent of the total program funds will be made available each fiscal year for Community Grants, to install EV charging and alternative fuel in locations on public roads, schools, parks, and in publicly accessible parking facilities. These grants will be prioritized for rural areas, low-and moderate income neighborhoods, and communities with low ratios of private parking, or high ratios of multiunit dwellings.

The Federal cost-share for a project may not exceed 80 percent. Further, as a condition of contracting with an eligible entity, a private entity must agree to pay the non-Federal share of project costs.

#### **Sec. 1402. Reduction of truck emissions at port facilities.**

Section 1402 establishes a program to reduce idling and emissions at port facilities. This section requires the Secretary to study how ports would benefit from electrification and to study emerging technologies that reduce emissions from idling trucks. This section requires the Secretary to coordinate and fund projects through competitive grants that reduce port-

related emissions from idling trucks. This Section requires that any project funded under a grant under this section shall be treated as a project on a Federal-aid highway. This section requires the Secretary to submit a report to Congress detailing the status and effectiveness of the program.

#### **Sec. 1403. Formula carbon reduction program.**

Section 1403 establishes a carbon reduction program to reduce transportation emissions. Eligible projects include a project to establish or operate a traffic monitoring, management, and control facility or program, including advanced truck stop electrification systems, a public transportation project that is eligible for assistance under section 142 (Public Transportation), the construction, planning, and design of on-road and off-road trail facilities for pedestrians and bicyclists, a project for advanced transportation and congestion management technologies, a project for the deployment of infrastructure-based intelligent transportation systems capital improvements and the installation of vehicle to infrastructure communications equipment, a project to replace street lighting and traffic control devices with energy-efficient alternatives, and the development of a carbon reduction strategy.

This section also establishes that 2 years after the date of enactment a State, in consultation with any metropolitan planning organization designated within the State, shall develop a carbon reduction strategy that supports efforts to reduce greenhouse gas emissions, identifies projects and strategies to reduce transportation emissions, supports the achievement of targets for the reduction of transportation emissions, quantifies the total carbon emissions from the production, transport, and use of materials used in the construction of transportation facilities within the State, and is appropriate to the population density and context of the State. 65 percent of funding under this program would be suballocated by population.

Section 1403 also permits, at the request of a State, that the Secretary shall provide technical assistance in the development of the carbon reduction strategy

#### **Sec. 1404. Congestion relief program.**

Subsection (a) of Section 1404 establishes a congestion relief program to provide competitive grants to States, local governments, and metropolitan planning organizations, for projects in large urbanized areas to advance innovative, integrated, and multimodal solutions to congestion relief in the most congested metropolitan areas of the United States.

The goals of the congestion relief program are to reduce highway congestion, economic and environmental costs related to congestion, and to optimize existing highway capacity and usage of transit systems that provide alternatives to highways. To achieve these goals, the program allows States and MPOs to compete for grants for eligible projects within urbanized areas containing populations of more than 1,000,000 people. Grant awards shall be not less than \$10,000,000. Eligible projects consist of planning, design, implementation, and construction activities to achieve program goals, including the deployment and operation of mobility services, integrated congestion management systems, and systems that implement or enforce high occupancy vehicle toll lanes, cordon pricing, parking pricing, or congestion pricing.

Incentive programs that encourage travelers to carpool or use non-highway travel modes are also included. When selecting grants, the Secretary shall give priority to eligible projects located in urbanized areas that are experiencing high degrees of recurrent congestion. The Federal cost-share shall not exceed 80 percent of the total cost of a project.

In addition, the congestion relief program permits the Secretary to allow the use of tolls on the Interstate System as part of a project carried out with a program grant, subject to certain requirements. The Secretary may not approve the use of tolls on the Interstate System under the program in more than 10 urbanized areas.

Subsection (b) of Section 1404 amends section 129(a) of title 23 to require toll facilities on the Interstate System constructed or converted after the date of enactment to allow high occupancy vehicles, transit, and paratransit vehicles to use the facility at a discounted rate or without charge unless the public authority determines that the number of such discounted vehicles would reduce the travel time reliability of the facility.

#### **Sec. 1405. Freight plans.**

Section 1405 adds new strategies for inclusion within the national freight strategic plan, including strategies to promote resilience, national economic growth and competitiveness, and strategies to reduce local air pollution and water runoff. This section does not add or establish new procedural requirements for the approval of State freight plans, and requires the Secretary to approve plans that comply with statutory requirements.

#### **Sec. 1406. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) grant program.**

Section 1406 establishes a formula and competitive grant program to help States improve the resiliency of transportation infrastructure.

Resilience grants comprise resilience improvement grants, community resilience and evacuation route grants, and at-risk coastal infrastructure grants.

This section describes the required plan contents of a voluntary resilience improvement plan, and allows a State or eligible entity that receives a grant to have the non-Federal share of projects reduced if the State or eligible entity meets certain voluntary planning requirements. Specifically, the non-Federal share of projects carried out with PROTECT funds can be reduced by 7 percent if a State or eligible entity develops a resiliency improvement plan, and reduced by an additional 3 percent if a State or eligible entity incorporates a resiliency improvement plan within its long-range statewide transportation plan or metropolitan transportation plan.

#### **Sec. 1407. Healthy Streets program.**

Section 1407 establishes a discretionary grant program, to be known as the “Healthy Streets program”, to provide grants to eligible entities to deploy cool pavements and porous

pavements and to expand tree cover. The goals of the program are to mitigate urban heat islands, improve air quality, and reduce the extent of impervious surfaces, storm water runoff and flood risks, and heat impacts to infrastructure and road users.

#### **Sec. 1501. Additional deposits into Highway Trust Fund.**

Section 1501 repeals section 105 of title 23. Because STRA authorizes funding for Federal-aid highway and highway safety programs for fiscal years 2022 through 2026, there is no need for additional funding to be automatically authorized in the manner contemplated under section 105 of title 23.

#### **Sec. 1502. Stopping threats on pedestrians.**

Section 1502 establishes a grant program to provide assistance to State DOTs and local government entities for bollard installation projects designed to prevent pedestrian injuries and acts of terrorism in areas used by large numbers of pedestrians. The program is authorized for appropriations at \$5,000,000 for each of fiscal years 2022 through 2026.

#### **Sec. 1503. Transfer and sale of toll credits.**

Section 1503 establishes a toll credit exchange on a pilot basis to enable the Secretary to evaluate the feasibility of and demand for a toll credit marketplace through which States could sell, transfer, or purchase toll credits. The Secretary may only select up to 10 States to participate in the pilot program, which allows originating States to transfer or sell toll credits pursuant to section 120(i) of title 23, United States Code. This section allows recipient States to use a credit toward the non-Federal share requirement for any funds made available under title 23 or chapter 53 of title 49, United States Code. Under this section, an originating State shall use the proceeds from the sale of a credit for the construction costs of any title 23 eligible project within that State. Originating and recipient States shall submit to the Secretary a written notification not later than 30 days after the date on which a credit is transferred or sold. Under this section, the Secretary must verify the amount of unused toll credits and provide a publicly accessible website where originating States shall post the verified amount of toll credits available for sale or transfer. The Secretary shall submit an initial and final report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than 1 and 3 years, respectively, after the date of establishment of the pilot program.

#### **Sec. 1504. Forest Service Legacy Roads and Trails Remediation Program.**

Section 1504 amends the Forest Roads and Trails Act by requiring the Secretary of Agriculture, acting through the Chief of the Forest Service, to develop a national strategy to perform critical maintenance and urgent repairs and improvements on National Forest System's roads, trails, and bridges to primarily improve public safety, water quality, wildlife habitats, grazing, fish habitats, and recreational access. The national strategy should focus on meeting Forest Service road systems' needs that Forest Service's current Capital Improvement and Maintenance Program does not adequately meet. This section authorizes the program for

appropriations from the General Fund at \$50,000,000 per year for each of fiscal years 2022 to 2026.

**Sec. 1505. Disaster relief mobilization study.**

Section 1505 directs the Secretary to carry out a study to determine the utility of incorporating the use of bicycles into the disaster preparedness and disaster response plans of local communities. The study will look at a vulnerability assessment of the infrastructure in local communities that supports active transportation, including bicycling, walking, and personal mobility devices, with a particular focus on areas in communities that have low levels of vehicle ownership and lack sufficient active transportation infrastructure routes to public transportation. Not later than 2 years after enactment, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the study carried out and provides recommendations, if any, relating to the methods by which to incorporate bicycles into disaster preparedness and disaster response plans of local communities and improvements to training programs.

**Sec. 1506. Appalachian Regional Commission.**

Section 1506 reauthorizes the Appalachian Regional Commission (ARC) at \$200,000,000 for each of fiscal years 2022 through 2026, including \$5,000,000 per year to establish an Appalachian Regional Energy Hub and \$20,000,000 per year to deploy high-speed broadband in the Appalachian region. This section also adds Catawba and Cleveland counties (in North Carolina) as part of the Appalachian region for purposes of the ARC.

**Sec. 1507. Denali Commission transfers of funds.**

Section 1507 amends the Denali Commission Act of 1998 by directing that funds transferred to the Commission from another Federal agency not be subject to any requirements that applied to the funds before the transfer, including a requirement in an appropriations act or a requirement or regulation of the agency from which the funds are transferred.

**Sec. 1508. Requirements for transportation projects carried out through public-private partnerships.**

Section 1508 contains transparency requirements for projects carried out through public-private partnerships with an estimated cost of \$100,000,000 or more. Specifically, this section requires that as a condition to receiving Federal financial assistance for a project, a public partner must disclose and certify certain information relating to the private partner's satisfaction of the terms of the public-private partnership agreement not later than 3 years after the date of the opening of the project to traffic. This section also requires the Secretary to provide Congress with notification when projects are carried out through public-private partnerships. This section also requires project sponsors receiving Federal loans or grants to include a detailed value for money analysis within the financial plan if the project sponsor intends to carry out the project through a public-private partnership. This section makes such analysis an eligible expense under

the Surface Transportation Block Grant program.

**Sec. 1509. Reconnecting communities pilot program.**

Section 1509 establishes a community connectivity pilot program through which eligible entities may apply for planning funds to study the feasibility and impacts of removing, retrofitting, or mitigating an existing transportation facilities that create barriers to mobility, access, or economic development, and for construction funds to carry out a project to remove, retrofit or mitigate an eligible facility and, if appropriate, to replace it with a new facility.

An eligible facility includes a limited access highway, viaduct, or any other principal arterial facility that creates a barrier to community connectivity, including barriers to mobility, access, or economic development, due to high speeds, grade separations, or other design factors.

This section allows the Secretary to award planning grants and provide technical assistance to eligible entities. Planning grant awards may not exceed \$2,000,000, and the Federal cost-share for a project may not exceed 80 percent.

This section also allows the Secretary to award capital construction grants to owners of eligible facilities for eligible projects for which all necessary feasibility studies (and other planning activities) have been completed. Eligible projects include the removal and replacement of eligible facilities. Capital construction grants must be at least \$5,000,000. The Federal cost- share for a project may not exceed 50 percent, and the maximum Federal involvement shall not exceed 80 percent. This subsection also allows grantees to form community advisory boards to help achieve inclusive economic development benefits with respect to the project for which a grant is awarded.

The Secretary may not use more than \$15,000,000 during the period of fiscal years 2022 through 2026 to provide technical assistance under this section.

**Sec. 1510. Cybersecurity tool; cyber coordinator.**

Section 1510 requires the Federal Highway Administration to develop a tool to assist transportation authorities in identifying, detecting, protecting against, responding to, and recovering from cyber incidents. This section requires the FHWA to use the cybersecurity framework established by the National Institute of Standards and Technology, to establish a structured cybersecurity assessment and development program, and to provide for a period of public review and comment on the tool. This section requires the FHWA to designate an office as a “cyber coordinator” for monitoring, alerting, and advising transportation authorities of cyber incidents. It is the intention of the Committee that the scope of this section be limited to actions undertaken by the FHWA and those State and local authorities within its oversight jurisdiction, and that those actions be coordinated with other cybersecurity-related efforts elsewhere in the Department.

### **Sec. 1511. Report on emerging alternative fuel vehicles and infrastructure.**

Section 1526 directs the Secretary to make publicly available a report that includes an evaluation of emerging alternative fuel vehicles and projections for potential locations of emerging alternative fuel vehicle owners during the 5-year period beginning on the date of submission of the report, identifies areas where emerging alternative fueling infrastructure will be needed to meet the current and future needs of drivers during the 5-year period beginning on the date of submission of the report, identifies specific areas, such as a lack of pipeline infrastructure, that may impede deployment and adoption of emerging alternative fuel vehicles, includes a map that identifies concentrations of emerging alternative fuel vehicles to meet the needs of current and future emerging alternative fueling infrastructure, estimates the future need for emerging alternative fueling infrastructure to support the adoption and use of emerging alternative fuel vehicles, and includes a tool to allow States to compare and evaluate different adoption and use scenarios for emerging alternative fuel vehicles, with the ability to adjust factors to account for regionally specific characteristics.

### **Sec. 1512. Nonhighway recreational fuel study.**

Section 1512 authorizes a study and recurring report to produce the best available estimate of the total amount of fuel taxes paid by users of non-highway recreational vehicles into the Highway Trust Fund. This section provides that the study will be used to assist Congress in determining an appropriate funding level for the recreational trails program.

### **Sec. 1513. Buy America.**

Section 1513 requires the Secretary to issue a public notice 15 days in advance of issuing a waiver for the Buy America requirement for Federal-aid projects and to report to Congress annually on all such waivers.

### **Sec. 1514. High priority corridors on the National Highway System.**

Section 1514 amends section 1105 of the Intermodal Surface Transportation Efficiency Act by adding new future Interstate designations along corridors in North Carolina, Kentucky, Arkansas and Mississippi. This section also requires the Comptroller General to submit a report to Congress on the safety and infrastructure impacts, if any, of the continuation of currently applicable weight limits on those specific highway segments after those segments are open for operation as part of the Interstate system.

### **Sec. 1515. Interstate weight limits.**

Section 1515 amends section 127 of title 23, United States Code to continue current weight limits by adding exemptions to Federal truck weight limits along specific corridors in North Carolina and Kentucky should any such corridors become designated as a route on the Interstate System.

### **Sec. 1516. Report on air quality improvements.**

Section 1516 requires the Comptroller General of the United States to conduct an evaluation of CMAQ that includes consideration of reductions in certain emissions that have resulted from projects under the program, the cost-effectiveness of such reductions, the results of investments under the program in certain communities, the effectiveness of certain performance measures established for traffic congestion and on-road mobile source emissions, and the extent to which the program lacks eligibilities for additional project types that would be likely to contribute to higher air quality.

### **Sec. 1517. Roadside highway safety hardware.**

Section 1517 requires the Secretary, to the greatest extent possible, to implement recommendations from a Government Accountability Office (GAO) Report entitled “Highway Safety: More Robust DOT Oversight of Guardrails and Other Roadside Hardware Could Further Enhance Safety” published in June 2016 and numbered GAO–16–575. GAO recommendations call for the Secretary to develop a third-party verification of roadside safety hardware testing results from crash test labs and to establish a process to enhance the independence of crash test labs when lab employees test devices that were developed within the parent organization of the employee. While Federal-aid eligibility letters issued by FHWA are not required for roadside safety hardware to be eligible for Federal-aid reimbursement, this section directs FHWA to continue issuing Federal-aid eligibility letters as a service to States until the third-party verification processes are complete.

### **Sec. 1518. Permeable pavements study.**

Section 1518 requires the Secretary to conduct a study on the effects of permeable pavements on flood control and to develop related models and best practices. This section requires the Secretary to make a report on the results of the study available publicly.

### **Sec. 1519. Emergency relief projects.**

Section 1519 requires the Secretary to revise the Emergency Relief (ER) program manual of FHWA to: include a definition of resilience; identify procedures that may be used to incorporate resilience into ER projects; encourage the use of complete streets design principles in ER projects; develop best practices for improving the use of resilience in ER projects; and to develop and implement a process to track the consideration of resilience as part of the ER program as well as the cost of ER projects.

### **Sec. 1520. Study on stormwater best management practices.**

Section 1521 requires the Secretary and Administrator of EPA to offer to enter into an agreement with TRB to conduct a study on stormwater runoff from highways and pedestrian facilities and provide recommendations regarding potential stormwater management recommendations for State departments of transportation. The study will also examine the

potential for the Secretary to assist State departments of transportation in implementing and communicating stormwater management practices for highways and pedestrian facilities.

**Sec. 1521. Stormwater best management practices reports.**

Section 1521 requires the Administrator of FHWA to update and reissue two existing stormwater best management practices reports to reflect new information and advancements in the field. In addition, this section instructs the Administrator to continue updating the two reports not less frequently than once every five years, unless the reports are either withdrawn or incorporated into regulations.

**Sec. 1522. Invasive plant elimination program.**

Section 1522 establishes a new grant program to fund projects by States to eliminate or control existing invasive plants or prevent introduction of or encroachment by new invasive plants along and in areas adjacent to transportation corridor rights-of-way. The term “invasive plant” means a nonnative plant, tree, grass, or weed species. This section requires the Secretary to prioritize projects that utilize native plants and wildflowers. This section limits amounts to be used for equipment to not more than ten percent and administrative and indirect costs to not more than five percent. This section requires each grantee to coordinate with local authorities and to report annually on the uses of the funds. This section limits the Federal share to 50 percent except in the case of projects that utilize native plants and wildflowers which are eligible for 75 percent Federal share. This section authorizes the program for appropriations at \$50,000,000 per year for each of fiscal years 2022 through 2026.

**Sec. 1523. Over-the-road bus tolling equity.**

Section 1411 of the FAST Act amended title 23 to require that over-the-road busses that serve the public be provided access to certain toll facilities under the same rates, terms, and conditions as public transportation buses. Section 1529 amends title 23 further to ensure there is accountability for equal access to certain tolled facilities between over-the-road buses and public transportation buses. This section adds a reporting requirement for public authorities, and further extends an existing audit requirement to include an audit for reporting compliance.

**Sec. 1524. Bridge terminology.**

Section 1524 modernizes bridge terminology used in title 23.

**Sec. 1525. Study of impacts on roads from self-driving vehicles.**

Section 1525 directs the Secretary to initiate a study on the existing and future impacts of self-driving vehicles to transportation infrastructure, mobility, the environment, and safety, including impacts on the Interstate System, urban roads, rural roads, corridors with heavy traffic congestion, and transportation systems optimization. The study under subsection (a) shall include specific recommendations for both rural and urban communities regarding the impacts of self-driving vehicles on existing transportation system capacity. In carrying out the study the

Secretary shall convene and consult with a panel of national experts in both rural and urban transportation. Not later than 1 year after the date on which the study under subsection (a) is initiated, the Secretary shall submit a report on the results of the study.

**Sec. 1526. Technical corrections.**

Section 1526 makes technical corrections to title 23 of the United States Code.

**Sec. 2001. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.**

Section 2001 makes several updates to the Transportation Infrastructure Finance and Innovation Act (TIFIA) program intended to increase program utilization, streamline the application process for assistance, and increase transparency in the vetting process for projects seeking TIFIA funds. This section establishes a definition for the term “administratively allocated” in reference to funding allocated by the Secretary for projects that have advanced into either the credit worthiness phase or are subject to a master credit agreement. This section extends the period during which contingent commitments under a master credit agreement must result in a financial close from 3 years to 5 years. This section adds eligibility for public infrastructure located near transportation facilities to promote transit-oriented development subject to a September 30, 2025 letter of interest deadline and a cap on the funding available for such projects. This section adds eligibility for airport-related projects subject to a September 30, 2024 letter of interest deadline and a cap on the funding available for such projects, and requires the Secretary to report to Congress on the impact of this new eligibility on the use of TIFIA funds including recommendations for permanent modifications to the program. This section adds eligibility for projects to acquire plant and wildlife habitats pursuant to a transportation project environmental impact mitigation plan. This section raises the threshold for securing multiple credit rating agency opinions from \$75,000,000 to \$150,000,000. This section requires the Secretary to provide applicants with an estimate of the timeline of application approval or disapproval and, to the maximum extent practical, such estimate shall be less than 150 days from the submission of a letter of interest. In the case of government borrowers, this section removes the requirement that loans be prepaid with excess revenues so long as those revenues are used for surface transportation projects. This section also adds new criteria to the streamlined application process for public agency borrowers intended to increase the likelihood that the Secretary will be able to move more projects through the process expeditiously. This section extends the authority to use a portion of TIFIA funding for administrative costs through fiscal year 2026. This section increases overall transparency in the TIFIA process by requiring DOT to publish status reports online.

Section 2001 also extends the authorization of State Infrastructure Bank program through fiscal year 2026.

**Sec. 3001. Strategic Innovation for Revenue Collection.**

Section 3001 reauthorizes and renames the Surface Transportation System Funding Alternatives Program, to continue the program to test the feasibility of a road usage fee and other user-based alternative revenue mechanisms to help maintain the long-term solvency of the

Highway Trust Fund, through pilot projects at the State, local, and regional level. The section expands eligible applicants from States DOTs, to include a local government or a group of local governments, a metropolitan planning organization, and a group of metropolitan planning organizations. The section also increases the federal-share for the program to 80 percent of the total cost of a project carried out by an eligible entity that has not otherwise received a grant under this section, and 70 percent of the total cost of a project carried out by an eligible entity that has received at least 1 grant previously.

### **Sec. 3002. National Motor Vehicle Per-Mile User Fee Pilot.**

Section 3002 directs the Secretary, in coordination with the Secretary of the Treasury, to establish a pilot program to demonstrate a national motor vehicle per-mile user fee. In carrying out the pilot program, the Secretary, in coordination with the Secretary of the Treasury, shall provide different methods that volunteer participants can choose from to track motor vehicle miles traveled, solicit volunteer participants from all 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, ensure an equitable geographic distribution by population among volunteer participants, and include commercial vehicles and passenger motor vehicles. For the purposes of the pilot program, the Secretary of the Treasury shall establish, on an annual basis, per-mile user fees for passenger motor vehicles, light trucks, and medium- and heavy-duty trucks, which amount may vary between vehicle types and weight classes to reflect estimated impacts on infrastructure, safety, congestion, the environment, or other related social impacts.

The section also establishes a Federal System Funding Alternative Advisory Board to assist with providing the Secretary with recommendations related to the structure, scope, and methodology for developing and implementing the pilot program, carrying out the public awareness campaign, and developing a report. Not later than 1 year after the date on which volunteer participants begin participating in the pilot program, and each year thereafter for the duration of the pilot program, the Secretary and the Secretary of the Treasury shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes an analysis of whether the objectives were achieved, how volunteer participant protections were complied with, whether motor vehicle per-mile user fees can maintain the long-term solvency of the Highway Trust Fund and improve and maintain the surface transportation system, which shall include estimates of administrative costs related to collecting such motor vehicle per mile user fees, how the privacy of volunteers was maintained, and equity impacts of the pilot program, including the impacts of the pilot program on low-income commuters.

### **Sec. 3003. Performance Management Data Support Program.**

Section 3003 extends the authorization and provides a funding source for FHWA to develop, use, and maintain data sets and data analysis tools to MPOs and States in carrying out performance management analyses and requirements. A national performance management program provides information to help Federal, State, and local governments and others in their decision-making as they consider strategic transportation investments and policies.

#### **Sec. 3004. Data Integration Pilot Program.**

Section 3004 authorizes for appropriation from the General Fund, \$2,500,000 for each of fiscal years 2021 through 2025 to research and develop models that integrate real-time information, including weather conditions, roadway conditions, and information from emergency responders. This section authorizes the Secretary to facilitate data integration between DOT and the National Weather Service, as well as address safety, resiliency, and vulnerability threats, by providing tools to help public safety officials and end users make important transportation decisions.

#### **Sec. 3005. Emerging technology research pilot program.**

Section 3005 establishes a pilot program to conduct emerging technology research, specifically including advanced and additive manufacturing (3-D printing) technologies, as well as research into activities to reduce the impact of automated driving systems and advanced driver automation systems technologies on pavement and infrastructure performance, and to improve transportation infrastructure design. This section authorizes for appropriation from the General Fund \$5,000,000 for each of fiscal years 2022 through 2026 to support the pilot program.

#### **Sec. 3006. Research and technology development and deployment.**

Section 3006 expands the objectives of the Turner Fairbank Highway Research Center to support research on non-market ready technologies in consultation with public and private entities. This section establishes an open challenge and research proposal pilot program that provides grants for proposals to research needs or challenges identified or determined to be important by the Secretary. This section also expands the Technology and Innovation Deployment Program by adding a focus on accelerated market readiness efforts, and increases funding for the program, including \$100,000,000 in new and innovative construction technologies for smarter, accelerated project delivery. This section extends the authorization for the Accelerated Implementation and Deployment of Pavement Technologies program and adds pavement-related considerations to enhance the environment and promote sustainability in the reporting under this program. The modified Advanced Transportation Technologies and Innovative Mobility Deployment program includes intermodal connectivity and a rural set-aside of not less than 20 percent. This section also authorizes a new Center of Excellence on New Mobility and Automated Vehicles to research the impact of automated vehicles and new mobility, such as docked and dockless bicycles and electric scooters.

#### **Sec. 3007. Workforce development, training, and education.**

Section 3007 provides authority to allow States greater flexibility to address surface transportation workforce development, training, and education needs, including activities that address current workforce gaps, such as work on construction projects. This section permits States to obligate funds for purposes such as pre-apprenticeships, apprenticeships, and career opportunities for on-the-job training, and vocational school support. This section modifies an existing grant program under section 504(f) in title 23 that requires the Secretary to make

workforce development grants. This section expands the eligibility of educational institutions beyond institutions of higher education. This section also authorizes the Secretary to award grants for training deployment purposes beyond the development, testing, and review of new curricula and education programs. This section encourages coordination and partnership with stakeholders, including industry, construction, labor organizations, and relevant government agencies, such as the U.S. Department of Labor Employment and Training Administration, the U.S. Department of Education, and State, regional, and local partners, such as Workforce Development Boards. This section also establishes minimum reporting requirements for grant recipients to establish accountability in the award of grants.

### **Sec. 3008. Wildlife-vehicle collision research.**

Section 3008 adds animal detection systems to reduce the number of wildlife-vehicle collisions as eligible for priority consideration for intelligent transportation system (ITS) research projects. This section amends membership of the advisory committee required to advise the Secretary on carrying out ITS programs.

### **Sec. 3009. Transportation Resilience and Adaptation Centers of Excellence.**

Section 3009 directs the Secretary to designate 10 regional Centers of Excellence for Resilience and Adaptation and 1 national Center of Excellence for Resilience and Adaptation, which shall serve as a coordinator for the regional Centers, to receive grants to advance research and development that improves the resilience of regions of the United States to natural disasters, extreme weather, and the effects of climate change on surface transportation infrastructure and infrastructure dependent on surface transportation. Subject to the availability of appropriations, the Secretary shall provide to each Center of Excellence a grant of not less than \$5,000,000 for each of fiscal years 2022 through 2031 to carry out the activities.

Activities include supporting climate vulnerability assessments informed by climate change science, including national climate assessments produced by the United States Global Change Research Program under section 106 of the Global Change Research Act of 1990 (15 U.S.C. 2936), relevant feasibility analyses of resilient transportation improvements, and transportation resilience planning, development of new design, operations, and maintenance standards for transportation infrastructure that can inform Federal and State decisionmaking, research and development of new materials and technologies that could be integrated into existing and new transportation infrastructure, development, refinement, and piloting of new and emerging resilience improvements and strategies, including natural infrastructure approaches and relocation, development of and investment in new approaches for facilitating meaningful engagement in transportation decisionmaking by local, Tribal, regional, or national stakeholders and communities, technical capacity building, workforce development and training, development and dissemination of data, tools, techniques, assessments, and information that informs Federal, State, Tribal, and local government decisionmaking, policies, planning, and investments, education and outreach regarding transportation infrastructure resilience, and technology transfer and commercialization.

### **Sec. 3010. Transportation Access Pilot Program.**

Section 3010 establishes a transportation pilot program to develop or procure an accessibility data set and make it available to each eligible entity selected to participate in the pilot program, to improve transportation planning. The pilot will measure the level of access by surface transportation modes to important destinations, which may include jobs, health care facilities, child care facilities, educational and workforce training facilities, housing, food sources, points within the supply chain for freight commodities, domestic and international markets, and connections between surface transportation modes. The pilot will assess the change in accessibility that would result from new transportation investments.

### **Sec. 4001. Definition of Secretary.**

Section 4001 defines the term “Secretary” as the Secretary of the Interior.

### **Sec. 4002. Environmental reviews for certain tribal transportation facilities.**

Section 4002 aligns the Department of the Interior’s process of expediting environmental reviews for tribal transportation safety projects to be similar to the Department of Transportation’s process.

### **Sec. 4003. Programmatic agreements for tribal categorical exclusions.**

Section 4003 allows the Secretary of the Interior or the Secretary of Transportation to enter into programmatic agreements with Indian tribes.

### **Sec. 4004. Use of certain tribal transportation funds.**

Section 4004 removes the 3 percent set-aside for the Tribal Transportation Facility Bridges program and specifies funding eligibilities for the same program.

### **Sec. 4005. Bureau of Indian Affairs road maintenance program.**

Section 4005 authorizes \$50,000,000 for the Road Maintenance Program for fiscal year 2022, with increases of \$2,000,000 per year through fiscal year 2026.

### **Sec. 4006. Study of road maintenance on Indian land.**

Section 4006 directs the Secretary of the Interior, in consultation with the Secretary of Transportation, to study and address the deferred maintenance backlog of existing roads on Indian land.

### **Sec. 4007. Maintenance of certain Indian reservation roads.**

Section 4007 allows the Commissioner of U.S. Customs and Border Protection to transfer funds to the BIA to maintain or repair roads under the jurisdiction of the BIA.

**Sec. 4008. Tribal transportation safety needs.**

Section 4008 directs the Secretary, in consultation with the Secretary of DOI, Indian tribes, and Alaska Native villages to develop best practices and create a standardized motor vehicle crash report form. Tribes could voluntarily use this crash report form to capture data and communicate with State departments of transportation. This section directs the Bureau of Indian Affairs to use the Incident Management Analysis and Reporting System form of the applicable State to report motor vehicle crash data. This section also modifies the set-aside amount for the Tribal Transportation Program Safety Fund from 2 percent to 4 percent.

**Sec. 4009. Office of Tribal Government Affairs.**

Section 4009 establishes an Assistant Secretary for Tribal Government Affairs under the DOT, who shall be appointed by the President but not Senate confirmed.