

113TH CONGRESS
2D SESSION

S. 2322

To reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2014

Mrs. BOXER (for herself, Mr. VITTER, Mr. CARPER, and Mr. BARRASSO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “MAP–21 Reauthorization Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

- Sec. 1101. Authorization of appropriations.
- Sec. 1102. Obligation ceiling.
- Sec. 1103. Apportionment.
- Sec. 1104. National highway performance program.
- Sec. 1105. Federal share payable.
- Sec. 1106. Surface transportation program.
- Sec. 1107. Highway use tax evasion projects.
- Sec. 1108. Bundling of bridge projects.
- Sec. 1109. Flexibility for certain rural road and bridge projects.
- Sec. 1110. Requirements for eligible bridge projects.
- Sec. 1111. Construction of ferry boats and ferry terminal facilities.
- Sec. 1112. Highway safety improvement program.
- Sec. 1113. Data collection on unpaved roads.
- Sec. 1114. Congestion mitigation and air quality improvement program.
- Sec. 1115. Highway safety improvement program performance measure.
- Sec. 1116. National freight program.
- Sec. 1117. State freight advisory committees.
- Sec. 1118. State freight plans.
- Sec. 1119. Projects of national or regional significance.
- Sec. 1120. Transportation alternatives.
- Sec. 1121. Assessing policy and system financing alternatives.
- Sec. 1122. Consolidation of programs.
- Sec. 1123. State flexibility for national highway system modifications.
- Sec. 1124. Department of Transportation performance measures.
- Sec. 1125. American transportation awards.

Subtitle B—Highway Trust Fund Transparency and Accountability

- Sec. 1201. Highway Trust Fund transparency and accountability.
- Sec. 1202. Report on Highway Trust Fund administrative expenditures.

Subtitle C—Acceleration of Project Delivery

- Sec. 1301. Categorical exclusion for projects of limited Federal assistance.
- Sec. 1302. Programmatic agreement template.
- Sec. 1303. Satisfaction of requirements for certain historic sites.
- Sec. 1304. Initiation of environmental review process and elimination of duplicative reviews.
- Sec. 1305. Accelerated decisionmaking in environmental reviews.
- Sec. 1306. Integration of planning and environmental review.
- Sec. 1307. Use of programmatic agreement.
- Sec. 1308. Technical assistance for States.
- Sec. 1309. Improvement of application of categorical exclusions for multimodal projects.

TITLE II—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS

- Sec. 2001. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.
- Sec. 2002. State infrastructure banks.
- Sec. 2003. TIFIA loans for State infrastructure banks.

TITLE III—TECHNICAL CORRECTIONS TO MAP-21

- Sec. 3001. Technical corrections.

1 **SEC. 2. DEFINITIONS.**

2 In this Act, the following definitions apply:

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

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

7 **TITLE I—FEDERAL-AID**
8 **HIGHWAYS**
9 **Subtitle A—Authorizations and**
10 **Programs**

11 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) IN GENERAL.—The following sums are author-
13 ized to be appropriated out of the Highway Trust Fund
14 (other than the Mass Transit Account):

15 (1) FEDERAL-AID HIGHWAY PROGRAM.—For
16 the national highway performance program under
17 section 119 of title 23, United States Code, the sur-
18 face transportation program under section 133 of
19 that title, the highway safety improvement program
20 under section 148 of that title, the congestion miti-
21 gation and air quality improvement program under
22 section 149 of that title, the national freight pro-
23 gram under section 167 of that title, and to carry
24 out section 134 of that title—

25 (A) \$38,441,000,000 for fiscal year 2015;

26 (B) \$39,173,000,000 for fiscal year 2016;

1 (C) \$39,987,000,000 for fiscal year 2017;

2 (D) \$40,842,000,000 for fiscal year 2018;

3 (E) \$41,698,000,000 for fiscal year 2019;

4 and

5 (F) \$42,594,000,000 for fiscal year 2020.

6 (2) TRANSPORTATION INFRASTRUCTURE FI-
7 NANCE AND INNOVATION PROGRAM.—For credit as-
8 sistance under the transportation infrastructure fi-
9 nance and innovation program under chapter 6 of
10 title 23, United States Code, \$1,000,000,000 for
11 each of fiscal years 2015 through 2020.

12 (3) FEDERAL LANDS AND TRIBAL TRANSPOR-
13 TATION PROGRAMS.—

14 (A) TRIBAL TRANSPORTATION PRO-
15 GRAM.—For the tribal transportation program
16 under section 202 of title 23, United States
17 Code, \$450,000,000 for each of fiscal years
18 2015 through 2020.

19 (B) FEDERAL LANDS TRANSPORTATION
20 PROGRAM.—For the Federal lands transpor-
21 tation program under section 203 of title 23,
22 United States Code, \$300,000,000 for each of
23 fiscal years 2015 through 2020, of which
24 \$240,000,000 of the amount made available for
25 each fiscal year shall be the amount for the Na-

1 tional Park Service and \$30,000,000 of the
2 amount made available for each fiscal year shall
3 be the amount for the United States Fish and
4 Wildlife Service.

5 (C) FEDERAL LANDS ACCESS PROGRAM.—

6 For the Federal lands access program under
7 section 204 of title 23, United States Code,
8 \$250,000,000 for each of fiscal years 2015
9 through 2020.

10 (4) PROJECTS OF NATIONAL OR REGIONAL SIG-

11 NIFICANCE PROGRAM.—For the projects of national
12 or regional significance program under section 171
13 of title 23, United States Code, \$400,000,000 for
14 each of fiscal years 2015 through 2020.

15 (5) TERRITORIAL AND PUERTO RICO HIGHWAY

16 PROGRAM.—For the territorial and Puerto Rico
17 highway program under section 165 of title 23,
18 United States Code, \$190,000,000 for each of fiscal
19 years 2015 through 2020.

20 (b) RESEARCH, TECHNOLOGY, AND EDUCATION AU-

21 THORIZATIONS.—

22 (1) IN GENERAL.—The following sums are au-
23 thorized to be appropriated:

24 (A) HIGHWAY RESEARCH AND DEVELOP-

25 MENT PROGRAM.—To carry out the highway re-

1 search and development program under section
2 503(b) of title 23, United States Code,
3 \$115,000,000 for each of fiscal years 2015
4 through 2020.

5 (B) TECHNOLOGY AND INNOVATION DE-
6 PLOYMENT PROGRAM.—To carry out the tech-
7 nology and innovation deployment program
8 under section 503(c) of title 23, United States
9 Code, \$62,500,000 for each of fiscal years 2015
10 through 2020.

11 (C) TRAINING AND EDUCATION.—To carry
12 out training and education under section 504 of
13 title 23, United States Code, \$24,000,000 for
14 each of fiscal years 2015 through 2020.

15 (D) INTELLIGENT TRANSPORTATION SYS-
16 TEMS PROGRAM.—To carry out the intelligent
17 transportation systems program under sections
18 512 through 518 of title 23, United States
19 Code, \$100,000,000 for each of fiscal years
20 2015 through 2020.

21 (E) UNIVERSITY TRANSPORTATION CEN-
22 TERS PROGRAM.—To carry out the university
23 transportation centers program under section
24 5505 of title 49, United States Code,

1 \$72,500,000 for each of fiscal years 2015
2 through 2020.

3 (F) BUREAU OF TRANSPORTATION STATIS-
4 TICS.—To carry out chapter 63 of title 49,
5 United States Code, \$26,000,000 for each of
6 fiscal years 2015 through 2020.

7 (2) ADMINISTRATION.—The Federal Highway
8 Administration shall administer the programs de-
9 scribed in subparagraphs (D) through (F) of para-
10 graph (1).

11 (c) DISADVANTAGED BUSINESS ENTERPRISES.—

12 (1) FINDINGS.—Congress finds that—

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

21 (B) the continuing barriers described in
22 subparagraph (A) merit the continuation of the
23 disadvantaged business enterprise program;

24 (C) Congress has received and reviewed
25 testimony and documentation of race and gen-

1 der discrimination from numerous sources, in-
2 cluding congressional hearings and roundtables,
3 scientific reports, reports issued by public and
4 private agencies, news stories, reports of dis-
5 crimination by organizations and individuals,
6 and discrimination lawsuits, which show that
7 race- and gender-neutral efforts alone are insuf-
8 ficient to address the problem;

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

18 (E) the testimony and documentation de-
19 scribed in subparagraph (C) provide a strong
20 basis that there is a compelling need for the
21 continuation of the disadvantaged business en-
22 terprise program to address race and gender
23 discrimination in surface transportation-related
24 business.

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

3 (A) SMALL BUSINESS CONCERN.—

4 (i) IN GENERAL.—The term “small
5 business concern” means a small business
6 concern (as the term is used in section 3
7 of the Small Business Act (15 U.S.C.
8 632)).

9 (ii) EXCLUSIONS.—The term “small
10 business concern” does not include any
11 concern or group of concerns controlled by
12 the same socially and economically dis-
13 advantaged individual or individuals that
14 have average annual gross receipts during
15 the preceding 3 fiscal years in excess of
16 \$22,410,000, as adjusted annually by the
17 Secretary for inflation.

18 (B) SOCIALLY AND ECONOMICALLY DIS-
19 ADVANTAGED INDIVIDUALS.—The term “so-
20 cially and economically disadvantaged individ-
21 uals” has the meaning given the term in section
22 8(d) of the Small Business Act (15 U.S.C.
23 637(d)) and relevant subcontracting regulations
24 issued pursuant to that Act, except that women
25 shall be presumed to be socially and economi-

1 cally disadvantaged individuals for purposes of
2 this subsection.

3 (3) AMOUNTS FOR SMALL BUSINESS CON-
4 CERNS.—Except to the extent that the Secretary de-
5 termines otherwise, not less than 10 percent of the
6 amounts made available for any program under title
7 I of this Act and section 403 of title 23, United
8 States Code, shall be expended through small busi-
9 ness concerns owned and controlled by socially and
10 economically disadvantaged individuals.

11 (4) ANNUAL LISTING OF DISADVANTAGED BUSI-
12 NESS ENTERPRISES.—Each State shall annually—

13 (A) survey and compile a list of the small
14 business concerns referred to in paragraph (2)
15 in the State, including the location of the small
16 business concerns in the State; and

17 (B) notify the Secretary, in writing, of the
18 percentage of the small business concerns that
19 are controlled by—

20 (i) women;

21 (ii) socially and economically dis-
22 advantaged individuals (other than
23 women); and

1 (iii) individuals who are women and
2 are otherwise socially and economically dis-
3 advantaged individuals.

4 (5) UNIFORM CERTIFICATION.—

5 (A) IN GENERAL.—The Secretary shall es-
6 tablish minimum uniform criteria for use by
7 State governments in certifying whether a con-
8 cern qualifies as a small business concern for
9 the purpose of this subsection.

10 (B) INCLUSIONS.—The minimum uniform
11 criteria established under subparagraph (A)
12 shall include, with respect to a potential small
13 business concern—

- 14 (i) on-site visits;
15 (ii) personal interviews with personnel;
16 (iii) issuance or inspection of licenses;
17 (iv) analyses of stock ownership;
18 (v) listings of equipment;
19 (vi) analyses of bonding capacity;
20 (vii) listings of work completed;
21 (viii) examination of the resumes of
22 principal owners;
23 (ix) analyses of financial capacity; and
24 (x) analyses of the type of work pre-
25 ferred.

1 (6) REPORTING.—The Secretary shall establish
2 minimum requirements for use by State govern-
3 ments in reporting to the Secretary—

4 (A) information concerning disadvantaged
5 business enterprise awards, commitments, and
6 achievements; and

7 (B) such other information as the Sec-
8 retary determines to be appropriate for the
9 proper monitoring of the disadvantaged busi-
10 ness enterprise program.

11 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
12 ing in this subsection limits the eligibility of an indi-
13 vidual or entity to receive funds made available
14 under title I of this Act and section 403 of title 23,
15 United States Code, if the entity or person is pre-
16 vented, in whole or in part, from complying with
17 paragraph (2) because a Federal court issues a final
18 order in which the court finds that a requirement or
19 the implementation of paragraph (2) is unconstitu-
20 tional.

21 **SEC. 1102. OBLIGATION CEILING.**

22 (a) GENERAL LIMITATION.—Subject to subsection
23 (e), and notwithstanding any other provision of law, the
24 obligations for Federal-aid highway and highway safety
25 construction programs shall not exceed—

- 1 (1) \$40,907,000,000 for fiscal year 2015;
- 2 (2) \$41,639,000,000 for fiscal year 2016;
- 3 (3) \$42,453,000,000 for fiscal year 2017;
- 4 (4) \$43,308,000,000 for fiscal year 2018;
- 5 (5) \$44,164,000,000 for fiscal year 2019; and
- 6 (6) \$45,060,000,000 for fiscal year 2020.

7 (b) EXCEPTIONS.—The limitations under subsection
8 (a) shall not apply to obligations under or for—

- 9 (1) section 125 of title 23, United States Code;
- 10 (2) section 147 of the Surface Transportation
11 Assistance Act of 1978 (23 U.S.C. 144 note; 92
12 Stat. 2714);
- 13 (3) section 9 of the Federal-Aid Highway Act
14 of 1981 (95 Stat. 1701);
- 15 (4) subsections (b) and (j) of section 131 of the
16 Surface Transportation Assistance Act of 1982 (96
17 Stat. 2119);
- 18 (5) subsections (b) and (c) of section 149 of the
19 Surface Transportation and Uniform Relocation As-
20 sistance Act of 1987 (101 Stat. 198);
- 21 (6) sections 1103 through 1108 of the Inter-
22 modal Surface Transportation Efficiency Act of
23 1991 (105 Stat. 2027);
- 24 (7) section 157 of title 23, United States Code
25 (as in effect on June 8, 1998);

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

5 (9) Federal-aid highway programs for which ob-
6 ligation authority was made available under the
7 Transportation Equity Act for the 21st Century
8 (112 Stat. 107) or subsequent Acts for multiple
9 years or to remain available until expended, but only
10 to the extent that the obligation authority has not
11 lapsed or been used;

12 (10) section 105 of title 23, United States Code
13 (as in effect for fiscal years 2005 through 2012, but
14 only in an amount equal to \$639,000,000 for each
15 of those fiscal years);

16 (11) section 1603 of SAFETEA-LU (23
17 U.S.C. 118 note; 119 Stat. 1248), to the extent that
18 funds obligated in accordance with that section were
19 not subject to a limitation on obligations at the time
20 at which the funds were initially made available for
21 obligation;

22 (12) section 119 of title 23, United States Code
23 (as in effect for fiscal years 2013 and 2014, but only
24 in an amount equal to \$639,000,000 for each of
25 those fiscal years); and

1 (13) section 119 of title 23, United States Code
2 (but, for each of fiscal years 2015 through 2020,
3 only in an amount equal to \$639,000,000 for each
4 of those fiscal years).

5 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—

6 For each of fiscal years 2015 through 2020, the Secretary
7 shall—

8 (1) not distribute obligation authority provided
9 by subsection (a) for the fiscal year for amounts au-
10 thORIZED for administrative expenses and programs
11 by section 104(a) of title 23, United States Code;

12 (2) not distribute an amount of obligation au-
13 thORITY provided by subsection (a) that is equal to
14 the unobligated balance of amounts—

15 (A) made available from the Highway
16 Trust Fund (other than the Mass Transit Ac-
17 count) for Federal-aid highway and highway
18 safety construction programs for previous fiscal
19 years the funds for which are allocated by the
20 Secretary (or apportioned by the Secretary
21 under sections 202 or 204 of title 23, United
22 States Code); and

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

25 (3) determine the proportion that—

1 (A) the obligation authority provided by
2 subsection (a) for the fiscal year, less the aggregate
3 of amounts not distributed under paragraphs
4 (1) and (2) of this subsection; bears to

5 (B) the total of the sums authorized to be
6 appropriated for the Federal-aid highway and
7 highway safety construction programs (other
8 than sums authorized to be appropriated for
9 provisions of law described in paragraphs (1)
10 through (12) of subsection (b) and sums authorized
11 to be appropriated for section 119 of
12 title 23, United States Code, equal to the
13 amount referred to in subsection (b)(13) for the
14 fiscal year), less the aggregate of the amounts
15 not distributed under paragraphs (1) and (2) of
16 this subsection;

17 (4) distribute the obligation authority provided
18 by subsection (a), less the aggregate amounts not
19 distributed under paragraphs (1) and (2), for each
20 of the programs (other than programs to which
21 paragraph (1) applies) that are allocated by the Secretary
22 under this Act and title 23, United States
23 Code, or apportioned by the Secretary under sections
24 202 or 204 of that title, by multiplying—

1 (A) the proportion determined under para-
2 graph (3); by

3 (B) the amounts authorized to be appro-
4 priated for each such program for the fiscal
5 year; and

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

19 (A) amounts authorized to be appropriated
20 for the programs that are apportioned under
21 title 23, United States Code, to each State for
22 the fiscal year; bears to

23 (B) the total of the amounts authorized to
24 be appropriated for the programs that are ap-

1 portioned under title 23, United States Code, to
2 all States for the fiscal year.

3 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
4 THORITY.—Notwithstanding subsection (c), the Secretary
5 shall, after August 1 of each of fiscal years 2015 through
6 2020—

7 (1) revise a distribution of the obligation au-
8 thority made available under subsection (c) if an
9 amount distributed cannot be obligated during that
10 fiscal year; and

11 (2) redistribute sufficient amounts to those
12 States able to obligate amounts in addition to those
13 previously distributed during that fiscal year, giving
14 priority to those States having large unobligated bal-
15 ances of funds apportioned under sections 144 (as in
16 effect on the day before the date of enactment of
17 MAP–21 (Public Law 112–141) and 104 of title 23,
18 United States Code.

19 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
20 FUNDS.—

21 (1) IN GENERAL.—Not later than 30 days after
22 the date of distribution of obligation authority under
23 subsection (c) for each of fiscal years 2015 through
24 2020, the Secretary shall distribute to the States
25 any funds (excluding funds authorized for the pro-

1 gram under section 202 of title 23, United States
2 Code) that—

3 (A) are authorized to be appropriated for
4 the fiscal year for Federal-aid highway pro-
5 grams; and

6 (B) the Secretary determines will not be
7 allocated to the States (or will not be appor-
8 tioned to the States under section 204 of title
9 23, United States Code), and will not be avail-
10 able for obligation, for the fiscal year because
11 of the imposition of any obligation limitation for
12 the fiscal year.

13 (2) **RATIO.**—Funds shall be distributed under
14 paragraph (1) in the same proportion as the dis-
15 tribution of obligation authority under subsection
16 (c)(5).

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

21 **SEC. 1103. APPORTIONMENT.**

22 Section 104 of title 23, United States Code, is
23 amended—

24 (1) in subsection (a)(1) by striking “Adminis-
25 tration—” and all that follows through the period at

1 the end and inserting “Administration \$440,000,000
2 for each of fiscal years 2015 through 2020.”;

3 (2) in subsection (b)—

4 (A) by inserting “the national freight pro-
5 gram,” after “highway safety improvement pro-
6 gram,”;

7 (B) in paragraphs (1), (2), and (3) by
8 striking “paragraphs (4) and (5)” each place it
9 appears and inserting “paragraphs (4), (5), and
10 (6)”;

11 (C) in paragraph (4) in the matter pre-
12 ceding subparagraph (A) by striking “deter-
13 mined for the State under subsection (c)” and
14 inserting “remaining under subsection (c) after
15 making amounts available in accordance with
16 paragraph (6) for each of fiscal years 2015
17 through 2020”;

18 (D) in paragraph (5) in the matter pre-
19 ceding subparagraph (A) by striking “deter-
20 mined for the State under subsection (c)” and
21 inserting “remaining under subsection (c) after
22 making amounts available in accordance with
23 paragraph (6) for each of fiscal years 2015
24 through 2020”; and

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

1 “(6) NATIONAL FREIGHT PROGRAM.—For the
2 national freight program under section 167, the Sec-
3 retary shall set aside from the amount determined
4 under subsection (c) prior to distributing amounts
5 under paragraphs (1) through (5)—

6 “(A) \$400,000,000 for fiscal year 2016;

7 “(B) \$800,000,000 for fiscal year 2017;

8 “(C) \$1,200,000,000 for fiscal year 2018;

9 “(D) \$1,600,000,000 for fiscal year 2019;

10 and

11 “(E) \$2,000,000,000 for fiscal year
12 2020.”; and

13 (3) in subsection (c) by adding at the end the
14 following:

15 “(3) FOR FISCAL YEARS 2015 THROUGH 2020.—

16 “(A) STATE SHARE.—For each of fiscal
17 years 2015 through 2020, the amount for each
18 State of combined apportionments for the na-
19 tional highway performance program under sec-
20 tion 119, the surface transportation program
21 under section 133, the highway safety improve-
22 ment program under section 148, the conges-
23 tion mitigation and air quality improvement
24 program under section 149, the national freight

1 program under section 167, and to carry out
2 section 134 shall be determined as follows:

3 “(i) INITIAL AMOUNT.—The initial
4 amount for each State shall be determined
5 by multiplying the total amount available
6 for apportionment by the share for each
7 State which shall be equal to the propor-
8 tion that—

9 “(I) the amount of apporportion-
10 ments that the State received for fis-
11 cal year 2014; bears to

12 “(II) the amount of those apporportion-
13 tionments received by all States for
14 that fiscal year.

15 “(ii) ADJUSTMENTS TO AMOUNTS.—
16 The initial amounts resulting from the cal-
17 culation under clause (i) shall be adjusted
18 to ensure that, for each State, the amount
19 of combined apportionments for the pro-
20 grams shall not be less than 95 percent of
21 the estimated tax payments attributable to
22 highway users in the State paid into the
23 Highway Trust Fund (other than the Mass
24 Transit Account) in the most recent fiscal
25 year for which data are available.

1 “(B) STATE APPORTIONMENT.—For each
2 of fiscal years 2015 through 2020, on October
3 1, the Secretary shall apportion the sum au-
4 thorized to be appropriated for expenditure on
5 the national highway performance program
6 under section 119, the surface transportation
7 program under section 133, the highway safety
8 improvement program under section 148, the
9 congestion mitigation and air quality improve-
10 ment program under section 149, the national
11 freight program under section 167, and to carry
12 out section 134 in accordance with subpara-
13 graph (A).”.

14 **SEC. 1104. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

15 Section 119(d)(2) of title 23, United States Code, is
16 amended by adding at the end the following:

17 “(Q) Replacement (including replacement
18 with fill material), rehabilitation, preservation,
19 and protection (including scour counter-
20 measures, seismic retrofits, impact protection
21 measures, security countermeasures, and pro-
22 tection against extreme events) of bridges on
23 Federal-aid highways (other than on the Na-
24 tional Highway System), except that a State
25 may not obligate in excess of 10 percent of the

1 funds apportioned to the State under section
2 104(b)(1) for such purpose.”.

3 **SEC. 1105. FEDERAL SHARE PAYABLE.**

4 Section 120(e) of title 23, United States Code, is
5 amended—

6 (1) in paragraph (1) in the first sentence—

7 (A) by inserting “(including pedestrian hy-
8 brid beacons)” after “control signalization,”;

9 (B) by inserting “roadway improvements
10 that provide separation between pedestrians and
11 motor vehicles (including medians and pedes-
12 trian crossing islands),” after “safety rest
13 areas,”; and

14 (C) by inserting “safe routes to schools,”
15 after “crossing closure,”; and

16 (2) in paragraph (3)—

17 (A) in subparagraph (A)(ii) by inserting
18 “engineering, or design approaches,” after
19 “technologies,”; and

20 (B) in subparagraph (B)—

21 (i) in clause (iv) by striking “or”;

22 (ii) in clause (v) by striking the period
23 at the end and inserting “; or”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(vi) contracts for engineering and de-
2 sign services as described in section
3 112(b)(2).”.

4 **SEC. 1106. SURFACE TRANSPORTATION PROGRAM.**

5 Section 133(b) of title 23, United States Code, is
6 amended—

7 (1) in paragraph (10) by inserting “, including
8 emergency evacuation plans” after “programs”; and

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

10 “(27) Transportation research activities, includ-
11 ing university transportation centers, under chapter
12 55 of title 49.”.

13 **SEC. 1107. HIGHWAY USE TAX EVASION PROJECTS.**

14 Section 143(b)(2)(A) of title 23, United States Code,
15 is amended by striking “and 2014” and inserting
16 “through 2020”.

17 **SEC. 1108. BUNDLING OF BRIDGE PROJECTS.**

18 (a) IN GENERAL.—Section 144 of title 23, United
19 States Code, is amended—

20 (1) by redesignating subsection (j) as sub-
21 section (k); and

22 (2) by inserting after subsection (i) the end the
23 following:

24 “(j) BUNDLING OF BRIDGE PROJECTS.—

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

4 “(2) DEFINITION OF ELIGIBLE ENTITY.—In
5 this subsection, the term ‘eligible entity’ means an
6 entity eligible to carry out bridge projects under sec-
7 tion 119 or 133.

8 “(3) BUNDLING OF BRIDGE PROJECTS.—An eli-
9 gible entity may bundle 2 or more similar bridge
10 projects that are—

11 “(A) eligible projects under section 119 or
12 133;

13 “(B) included as a bundled project in a
14 transportation improvement program under sec-
15 tion 134(j) or a statewide transportation im-
16 provement program under section 135, as appli-
17 cable; and

18 “(C) awarded to a single contractor pursu-
19 ant to a contract for engineering and design or
20 construction between the contractor and a State
21 department of transportation.

22 “(4) ITEMIZATION.—Notwithstanding any other
23 provision of law (including regulations), an eligible
24 bridge project included in a bundle under this sub-
25 section may be listed as—

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

3 “(B) a single project within the applicable
4 bundle.

5 “(5) FINANCIAL CHARACTERISTICS.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), projects bundled under this sub-
8 section shall have the same financial character-
9 istics, including—

10 “(i) the same funding category or
11 subcategory; and

12 “(ii) the same Federal share.

13 “(B) LIMITATION.—Notwithstanding sec-
14 tion 126, at the request of an eligible entity, the
15 Secretary may transfer from funds suballocated
16 under section 133(d)(1)(A) the amount of funds
17 for which 1 or more of the bundled projects is
18 eligible such that the funds for the entire bun-
19 dle of projects are in a single fund category.”.

20 (b) TECHNICAL AMENDMENTS.—Section
21 120(e)(3)(B) of title 23, United States Code (as amended
22 by section 1105(2)) is amended—

23 (1) in clause (v) by striking “or” at the end;

24 (2) in clause (vi) by striking the period at the
25 end and inserting “; or”; and

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

2 “(vii) bundled projects, as described
3 in section 144(j).”.

4 **SEC. 1109. FLEXIBILITY FOR CERTAIN RURAL ROAD AND**
5 **BRIDGE PROJECTS.**

6 (a) **AUTHORITY.**—The Secretary is authorized, upon
7 request by a State, to exercise all existing flexibilities and
8 exceptions from the requirements of title 23, United
9 States Code, and other requirements administered by the
10 Secretary, in whole or part, and otherwise provide addi-
11 tional flexibility or expedited processing with respect to
12 such requirements, with respect to rural road and rural
13 bridge projects eligible for funding under such title, pursu-
14 ant to the provisions of this section.

15 (b) **TYPES OF PROJECTS.**—A rural road or rural
16 bridge project under this section shall—

17 (1) be located in a county or parish that, based
18 on the most recent decennial census, either—

19 (A) has a population density of 20 or fewer
20 persons per square mile of land area; or

21 (B) is the county or parish that has the
22 lowest population density of all counties or par-
23 ishes in the State;

24 (2) be located within the operational right-of-
25 way (as defined in section 1316(b) of MAP–21 (23

1 U.S.C. 109 note; Public Law 112–141)) of an exist-
2 ing road or bridge; and

3 (3)(A) receive less than \$5,000,000 of Federal
4 funds; or

5 (B) have a total estimated cost of not more
6 than \$30,000,000 and Federal funds comprising less
7 than 15 percent of the total estimated project cost.

8 (c) PROCESS TO ASSIST RURAL PROJECTS.—

9 (1) ASSISTANCE WITH FEDERAL REQUIRE-
10 MENTS.—

11 (A) IN GENERAL.—For projects eligible
12 under this section, the Secretary shall seek to
13 provide, to the maximum extent practicable,
14 regulatory relief and flexibility consistent with
15 this section.

16 (B) EXCEPTIONS, EXEMPTIONS, AND ADDI-
17 TIONAL FLEXIBILITY.—Exceptions, exemptions,
18 and additional flexibility from regulatory re-
19 quirements may be granted if, in the opinion of
20 the Secretary—

21 (i) the project is not expected to have
22 a significant adverse impact on the envi-
23 ronment;

24 (ii) the project is not expected to have
25 an adverse impact on safety; and

1 (iii) such assistance would be in the
2 public interest for 1 or more reasons such
3 as—

4 (I) reduced project costs;

5 (II) expedited construction, par-
6 ticularly in an area where the con-
7 struction season is relatively short and
8 not granting the waiver or additional
9 flexibility could delay the project to a
10 later construction season; or

11 (III) improved safety.

12 (2) MAINTAINING PROTECTIONS.—Nothing in
13 this subsection—

14 (A) waives sections 113 or 138 of title 23,
15 United States Code;

16 (B) supersedes, amends, or modifies—

17 (i) the National Environmental Policy
18 Act of 1969 (42 U.S.C. 4321 et seq.) or
19 any other Federal environmental law; or

20 (ii) any requirement of title 23,
21 United States Code; or

22 (C) affects the responsibility of any Fed-
23 eral officer to comply with or enforce any such
24 law or requirement.

1 **SEC. 1110. REQUIREMENTS FOR ELIGIBLE BRIDGE**
2 **PROJECTS.**

3 (a) DEFINITIONS.—In this section, the following defi-
4 nitions apply:

5 (1) ELIGIBLE BRIDGE PROJECT.—The term
6 “eligible bridge project” means a project for con-
7 struction, alteration, or repair work on a bridge or
8 overpass funded directly by, or provided other assist-
9 ance through, the Federal Government.

10 (2) QUALIFIED TRAINING PROGRAM.—The term
11 “qualified training program” means a training pro-
12 gram that—

13 (A)(i) is certified by the Secretary of
14 Labor; and

15 (ii) with respect to an eligible bridge
16 project located in an area in which the Sec-
17 retary of Labor determines that a training pro-
18 gram does not exist, is registered with—

19 (I) the Department of Labor; or

20 (II) a State agency recognized by the
21 Department of Labor for purposes of a
22 Federal training program; or

23 (B) is a corrosion control, mitigation, and
24 prevention personnel training program that is
25 offered by an organization whose standards are

1 recognized and adopted in other Federal agen-
2 cies or State departments of transportation.

3 (b) ELIGIBILITY REQUIREMENTS.—

4 (1) IN GENERAL.—Each contractor and subcon-
5 tractor that carries out any aspect of an eligible
6 bridge project described in paragraph (2) shall—

7 (A) before entering into the applicable con-
8 tract, be certified by the Secretary or a State,
9 in accordance with paragraph (4), as meeting
10 the eligibility requirements described in para-
11 graph (3); and

12 (B) remain certified as described in sub-
13 paragraph (A) while carrying out the applicable
14 aspect of the eligible bridge project.

15 (2) DESCRIPTION OF ASPECTS OF ELIGIBLE
16 BRIDGE PROJECTS.—An aspect of an eligible bridge
17 project referred to in paragraph (1) is—

18 (A) surface preparation or coating applica-
19 tion on bridge steel of an eligible bridge project;

20 (B) removal of a lead-based or other haz-
21 ardous coating from bridge steel of an existing
22 eligible bridge project;

23 (C) shop painting of structural steel fab-
24 ricated for installation on bridge steel of an eli-
25 gible bridge project; and

1 (D) the design, application, installation,
2 and maintenance of a cathodic protection sys-
3 tem.

4 (3) REQUIREMENTS.—The eligibility require-
5 ments referred to in paragraph (1) are that a con-
6 tractor or subcontractor shall—

7 (A) as determined by the Secretary—

8 (i) use corrosion mitigation and pre-
9 vention methods to preserve relevant
10 bridges and overpasses, taking into ac-
11 count—

12 (I) material selection;

13 (II) coating considerations;

14 (III) cathodic protection consid-
15 erations;

16 (IV) design considerations for
17 corrosion; and

18 (V) trained applicators;

19 (ii) use best practices—

20 (I) to prevent environmental deg-
21 radation; and

22 (II) to ensure careful handling of
23 all hazardous materials; and

24 (iii) demonstrate a history of employ-
25 ing industry-respected inspectors to ensure

1 funds are used in the interest of affected
2 taxpayers; and

3 (B) demonstrate a history of compliance
4 with applicable requirements of the Occupa-
5 tional Safety and Health Administration, as de-
6 termined by the Secretary of Labor.

7 (4) STATE CONSULTATION.—In determining
8 whether to certify a contractor or subcontractor
9 under paragraph (1)(A), a State shall consult with
10 engineers and other experts trained in accordance
11 with a qualified training program specializing in cor-
12 rosion control, mitigation, and prevention methods.

13 (c) OPTIONAL TRAINING PROGRAM.—As a condition
14 of entering into a contract for an eligible bridge project,
15 each contractor and subcontractor that performs construc-
16 tion, alteration, or repair work on a bridge or overpass
17 for the eligible bridge project may provide, or make avail-
18 able, training, through a qualified training program, for
19 each applicable craft or trade classification of employees
20 that the contractor or subcontractor intends to employ to
21 carry out aspects of eligible bridge projects as described
22 in subsection (b)(2).

1 **SEC. 1111. CONSTRUCTION OF FERRY BOATS AND FERRY**
 2 **TERMINAL FACILITIES.**

3 (a) CONSTRUCTION OF FERRY BOATS AND FERRY
 4 TERMINAL FACILITIES.—Section 147 of title 23, United
 5 States Code, is amended—

6 (1) by redesignating subsections (a), (b), (c),
 7 (d), (e), (f), and (g) as subsections (b), (c), (d), (e),
 8 (f), (k), and (l), respectively;

9 (2) by inserting before subsection (b) (as reded-
 10 ignated by paragraph (1)) the following:

11 “(a) DEFINITIONS.—In this section, the following
 12 definitions apply:

13 “(1) BOARDING.—

14 “(A) IN GENERAL.—The term ‘boarding’
 15 means the initial boarding of a ferry by a pas-
 16 senger or vehicle at the initial terminal of de-
 17 parture.

18 “(B) EXCLUSIONS.—The term ‘boarding’
 19 does not include boarding of a ferry by a pas-
 20 senger or vehicle at any subsequent terminal
 21 stop of the ferry.

22 “(2) FERRY ROUTE.—The term ‘ferry route’
 23 means a permanent publicly controlled fixed route in
 24 accordance with section 129(c) from one terminal to
 25 the next terminal in one direction. A route which
 26 serves the opposite direction is considered a separate

1 route. For purposes of nautical miles reported, an
 2 alternative limited scheduled ferry route that is oth-
 3 erwise served regularly by other routes with multiple
 4 stops shall not be reported as a separate ferry route
 5 unless otherwise determined by the Secretary.

6 “(3) STATE.—The term ‘State’ means—

7 “(A) any of the 50 States;

8 “(B) the District of Columbia;

9 “(C) the Commonwealth of Puerto Rico;

10 “(D) Guam;

11 “(E) American Samoa;

12 “(F) the Commonwealth of the Northern

13 Mariana Islands; and

14 “(G) the United States Virgin Islands.”;

15 (3) in subsection (b) (as redesignated by para-
 16 graph (1)) by striking “IN GENERAL” and inserting
 17 “PROGRAM”;

18 (4) in subsection (d) (as redesignated by para-
 19 graph (1)) by striking “subsection (d)” and insert-
 20 ing “subsection (e)”; and

21 (5) by striking subsections (e) and (f) (as re-
 22 designated by paragraph (1)) and inserting the fol-
 23 lowing:

24 “(e) FORMULA.—Of the amounts allocated pursuant

25 to subsection (d)—

1 “(1) 35 percent shall be allocated among eligi-
2 ble entities in the proportion that—

3 “(A) the number of ferry passengers, in-
4 cluding passengers in vehicles, carried by each
5 ferry system in the most recent fiscal year;
6 bears to

7 “(B) the number of ferry passengers, in-
8 cluding passengers in vehicles, carried by all
9 ferry systems in the most recent fiscal year;

10 “(2) 35 percent shall be allocated among eligi-
11 ble entities in the proportion that—

12 “(A) the number of vehicles carried by
13 each ferry system in the most recent fiscal year;
14 bears to

15 “(B) the number of vehicles carried by all
16 ferry systems in the most recent fiscal year;
17 and

18 “(3) 30 percent shall be allocated among eligi-
19 ble entities in the proportion that—

20 “(A) the total route nautical miles serviced
21 by each ferry system; bears to

22 “(B) the total route nautical miles serviced
23 by all ferry systems.

24 “(f) CERTAIN ROUTES.—For a ferry route that pro-
25 vides service between 2 States or a State and Canada,

1 nautical miles for a route shall be reported by and as-
 2 signed to the State of departure on the ferry route to the
 3 first destination of the ferry in the subsequent State or
 4 in Canada.

5 “(g) REDISTRIBUTION OF UNOBLIGATED
 6 AMOUNTS.—The Secretary shall—

7 “(1) withdraw amounts allocated to an eligible
 8 entity under subsection (d) that remain unobligated
 9 by the end of the third fiscal year following the fiscal
 10 year for which the amounts were allocated; and

11 “(2) in the subsequent fiscal year, redistribute
 12 those funds in accordance with the formula under
 13 subsection (e) among eligible entities for which no
 14 amounts were withdrawn under paragraph (1).

15 “(h) MINIMUM AMOUNT.—Notwithstanding sub-
 16 section (d), a State with an eligible entity that meets the
 17 requirements of this section shall receive not less than
 18 \$100,000 under this section for a fiscal year.

19 “(i) IMPLEMENTATION.—

20 “(1) DATA COLLECTION.—

21 “(A) NATIONAL FERRY DATABASE.—

22 Amounts made available for a fiscal year under
 23 this section shall be allocated using the most re-
 24 cent data available, as collected and imputed in
 25 accordance with the national ferry database es-

1 tablISHED under section 1801(e) of the
2 SAFETEA-LU (23 U.S.C. 129 note; Public
3 Law 109-59).

4 “(B) ELIGIBILITY FOR FUNDING.—To be
5 eligible to receive funds under subsection (d),
6 data shall have been submitted in the most re-
7 cent collection of data for the national ferry
8 database under section 1801(e) of the
9 SAFETEA-LU (23 U.S.C. 129 note; Public
10 Law 109-59) for at least 1 ferry service within
11 the State.

12 “(2) ADJUSTMENTS.—On review of the data
13 submitted under paragraph (1)(B), the Secretary
14 may make adjustments to the data as the Secretary
15 determines necessary to correct misreported or in-
16 consistent data.

17 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated out of the Highway Trust
19 Fund (other than the Mass Transit Account) to carry out
20 this section \$75,000,000 for each fiscal year.”.

21 (b) NATIONAL FERRY DATABASE.—Section
22 1801(e)(4) of the SAFETEA-LU (23 U.S.C. 129 note;
23 Public Law 109-59) is amended by striking subparagraph
24 (D) and inserting the following:

1 “(D) make available, from the amounts
2 made available for each fiscal year to carry out
3 chapter 63 of title 49, not more than \$500,000,
4 to maintain the database.”.

5 (c) CONFORMING AMENDMENTS.—Section 129(c) of
6 title 23, United States Code, is amended—

7 (1) in the first sentence of paragraph (2) by in-
8 serting “, or on a public transit ferry eligible under
9 chapter 53 of title 49” after “Interstate System”;

10 (2) in paragraph (3)—

11 (A) by striking “(3) Such ferry” and in-
12 serting “(3)(A) Such ferry”; and

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

14 “(B) Such Federal participation shall not in-
15 volve the construction or purchase, for private own-
16 ership, a ferry boat, ferry terminal facility, or other
17 eligible project under this section.”; and

18 (3) by striking paragraph (6) and inserting the
19 following:

20 “(6) The ferry service shall be maintained in
21 accordance with section 116, and no ferry boat or
22 ferry terminal with such Federal participation may
23 be sold, leased, or otherwise disposed of, except in
24 accordance with part 18 of title 49, Code of Federal
25 Regulations (including successor regulations). The

1 Federal share of any proceeds from such a disposi-
2 tion shall be used for eligible purposes under this
3 title.”.

4 **SEC. 1112. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

5 Section 148(a)(4)(B) of title 23, United States Code,
6 is amended—

7 (1) in the matter preceding clause (i), by strik-
8 ing “, but is not limited to,”; and

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

10 “(xxv) An infrastructure safety
11 project not described in clauses (i) through
12 (xxiv).”.

13 **SEC. 1113. DATA COLLECTION ON UNPAVED ROADS.**

14 Section 148 of title 23, United States Code, is
15 amended by adding at the end the following:

16 “(k) STATE OPTION TO EXTEND PERIOD FOR COL-
17 LECTION OF DATA REGARDING UNPAVED PUBLIC
18 ROADS.—A State is hereby authorized, at the discretion
19 of the State, to complete collection of fundamental data
20 elements for the model inventory of roadway elements on
21 public roads that are gravel roads or otherwise unpaved,
22 by up to 5 years after the deadline otherwise established
23 by the Secretary, at no penalty, if—

24 “(1) the State notifies the Secretary of the in-
25 tent of the State to exercise the option; and

1 “(2) after the deadline otherwise established by
 2 the Secretary and until the State completes a collec-
 3 tion of the required model inventory of roadway ele-
 4 ments data for any unpaved public road, the State
 5 does not undertake a project under this section on
 6 that road.”.

7 **SEC. 1114. CONGESTION MITIGATION AND AIR QUALITY IM-**
 8 **PROVEMENT PROGRAM.**

9 Section 149 of title 23, United States Code, is
 10 amended—

11 (1) in subsection (b)—

12 (A) in paragraph (1)(A)(i)(I) by inserting
 13 “in the designated nonattainment area” before
 14 the semicolon;

15 (B) in paragraph (3) by inserting “or
 16 maintenance” after “attainment”; and

17 (C) in paragraph (4) by striking “is likely
 18 to contribute to the attainment of a national
 19 ambient air quality standard” and inserting “is
 20 likely to contribute to the area’s attainment or
 21 maintenance of a national ambient air quality
 22 standard”;

23 (2) in subsection (d)—

24 (A) in paragraph (2)(A) in the matter pre-
 25 ceding clause (i) by inserting “would otherwise

1 be eligible under subsection (b) if the project
 2 were carried out in a nonattainment or mainte-
 3 nance area or” before “is eligible under”; and

4 (B) in paragraph (3) by inserting “, in a
 5 manner consistent with the approach that was
 6 in effect on the day before the date of enact-
 7 ment of MAP-21,” after “the Secretary shall
 8 modify”; and

9 (3) in subsection (g)(3)—

10 (A) by striking “States and metropolitan”
 11 and inserting the following:

12 “(A) IN GENERAL.—States and metropoli-
 13 tan”; and

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

15 “(B) USE OF PRIORITY FUNDING.—To the
 16 maximum extent practicable, PM_{2.5} priority
 17 funding shall be utilized on the most cost-effec-
 18 tive projects and programs that are proven to
 19 reduce directly emitted fine particulate mat-
 20 ter.”.

21 **SEC. 1115. HIGHWAY SAFETY IMPROVEMENT PROGRAM**
 22 **PERFORMANCE MEASURE.**

23 Section 150(c)(4)(B) of title 23, United States Code,
 24 is amended by inserting “for both motorized and non-
 25 motorized transportation” before the period at the end.

1 **SEC. 1116. NATIONAL FREIGHT PROGRAM.**

2 Section 167 of title 23, United States Code, is
3 amended to read as follows:

4 **“§ 167. National freight program**

5 “(a) POLICY.—It is the policy of the United States
6 to improve the condition and performance of the national
7 freight network to ensure that the national freight net-
8 work provides the foundation for the United States to
9 compete in the global economy and achieve each goal de-
10 scribed in subsection (b).

11 “(b) GOALS.—The goals of the national freight pro-
12 gram are—

13 “(1) to invest in infrastructure improvements
14 and to implement operational improvements on our
15 Nation’s highways that—

16 “(A) strengthen the contribution of the na-
17 tional freight network to the economic competi-
18 tiveness of the United States;

19 “(B) reduce congestion and relieve bottle-
20 necks in the freight transportation system;

21 “(C) reduce the cost of freight transpor-
22 tation;

23 “(D) improve the reliability of freight
24 transportation; and

1 “(E) increase productivity, particularly for
2 domestic industries and businesses that create
3 high-value jobs;

4 “(2) to improve the safety, security, efficiency,
5 and resiliency of freight transportation in rural and
6 urban areas;

7 “(3) to improve the state of good repair of the
8 national freight network;

9 “(4) to use advanced technology to improve the
10 safety and efficiency of the national freight network;

11 “(5) to incorporate concepts of performance, in-
12 novation, competition, and accountability into the
13 operation and maintenance of the national freight
14 network;

15 “(6) to improve the efficiency and productivity
16 of the national freight network; and

17 “(7) to reduce the environmental impacts of
18 freight.

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

21 “(1) IN GENERAL.—The Secretary shall estab-
22 lish a national highway freight network in accord-
23 ance with this section to assist States in strategically
24 directing resources toward improved system perform-
25 ance for efficient movement of freight on highways.

1 “(2) NETWORK COMPONENTS.—The national
2 highway freight network shall consist of—

3 “(A) the primary highway freight network,
4 as designated by the Secretary under subsection
5 (d) (referred to in this section as the ‘primary
6 highway freight network’) as most critical to
7 the movement of freight;

8 “(B) the portions of the Interstate System
9 not designated as part of the primary highway
10 freight network;

11 “(C) critical rural freight corridors estab-
12 lished under subsection (e);

13 “(D) critical urban freight corridors estab-
14 lished under subsection (f); and

15 “(E) National Highway System intermodal
16 connectors.

17 “(d) DESIGNATION OF PRIMARY HIGHWAY FREIGHT
18 NETWORK.—

19 “(1) INITIAL DESIGNATION OF PRIMARY HIGH-
20 WAY FREIGHT NETWORK.—

21 “(A) DESIGNATION.—Not later than 1
22 year after the date of enactment of the MAP-
23 21 Reauthorization Act, subject to paragraph
24 (2), the Secretary shall designate a primary
25 highway freight network—

1 “(i) based on an inventory of national
2 freight volume conducted by the Adminis-
3 trator of the Federal Highway Administra-
4 tion, in consultation with stakeholders, in-
5 cluding system users, transport providers,
6 metropolitan planning organizations, and
7 States; and

8 “(ii) that shall be comprised of not
9 more than 27,000 centerline miles of exist-
10 ing roadways that are most critical to the
11 movement of freight.

12 “(B) FACTORS FOR DESIGNATION.—In
13 designating the primary highway freight net-
14 work, the Secretary shall consider—

15 “(i) the origins and destinations of
16 freight movement in, to, and from the
17 United States;

18 “(ii) the total freight tonnage and
19 value of freight moved via highways;

20 “(iii) the percentage of annual aver-
21 age daily truck traffic in the annual aver-
22 age daily traffic on principal arterials;

23 “(iv) the annual average daily truck
24 traffic on principal arterials;

25 “(v) land and maritime ports of entry;

1 “(vi) access to energy exploration, de-
2 velopment, installation, or production
3 areas;

4 “(vii) the significance of goods move-
5 ment, including consideration of points of
6 origin, destination, and linking components
7 of the global and domestic supply chains;

8 “(viii) proximity of access to other
9 freight intermodal facilities, including rail,
10 air, water, and pipelines;

11 “(ix) population centers;

12 “(x) significant freight bottlenecks, as
13 identified by the Administrator of the Fed-
14 eral Highway Administration; and

15 “(xi) network connectivity.

16 “(2) ADDITIONAL MILES ON PRIMARY HIGHWAY
17 FREIGHT NETWORK.—In addition to the miles ini-
18 tially designated under paragraph (1)—

19 “(A) the Secretary may increase the num-
20 ber of miles designated as part of the primary
21 highway freight network by not more than
22 3,000 additional centerline miles of roadways
23 (which may include existing or planned roads)
24 critical to the future efficient movement of

1 goods on the primary highway freight network;
2 and

3 “(B) each State may increase the number
4 of miles designated as part of the primary high-
5 way freight network in that State by not more
6 than 10 percent of the miles designated in that
7 State under paragraph (1) if the additional
8 miles—

9 “(i) close gaps between primary high-
10 way freight network segments;

11 “(ii) establish first- and last-mile con-
12 nections of the primary highway freight
13 network critical to the efficient movement
14 of goods, including ports, international
15 border crossings, airports, intermodal fa-
16 cilities, railyards, logistics centers, ware-
17 houses, and agricultural facilities; or

18 “(iii) designate critical emerging
19 freight routes.

20 “(3) STATE FLEXIBILITY FOR DESIGNATION OF
21 MILES ON THE PRIMARY HIGHWAY FREIGHT NET-
22 WORK.—Each State that increases the number of
23 miles on the primary highway freight network under
24 paragraph (2) shall—

1 “(A) consider nominations for such addi-
2 tional miles from metropolitan planning organi-
3 zations within the State;

4 “(B) ensure that the additional miles are
5 consistent with the freight plan of the State;

6 “(C) review the primary highway freight
7 network of the State designated under para-
8 graphs (1) and (2) and redesignate miles in a
9 manner that is consistent with paragraph (4);
10 and

11 “(D) submit to the Secretary a list of the
12 additional miles added under this subsection.

13 “(4) REDESIGNATION OF PRIMARY HIGHWAY
14 FREIGHT NETWORK.—

15 “(A) IN GENERAL.—Beginning on the date
16 that is 5 years after the designation of the pri-
17 mary highway freight network and every 5
18 years thereafter, using the designation factors
19 described in paragraph (1), the Secretary shall
20 redesignate the primary highway freight net-
21 work (including any additional mileage added to
22 the primary highway freight network under
23 paragraph (2) as of the date on which the re-
24 designation process is initiated).

1 “(B) CONSIDERATIONS.—In redesignating
2 the primary highway freight network, to the
3 maximum extent practicable, the Secretary shall
4 rely on measurable data to assess the signifi-
5 cance of goods movement, including consider-
6 ation of points of origin, destination, and link-
7 ing components of the United States global and
8 domestic supply chains.

9 “(e) CRITICAL RURAL FREIGHT CORRIDORS.—A
10 State may designate a road within the borders of the State
11 as a critical rural freight corridor if the road—

12 “(1) is a rural principal arterial roadway and
13 has a minimum of 25 percent of the annual average
14 daily traffic of the road measured in passenger vehi-
15 cle equivalent units from trucks (FHWA vehicle
16 class 8 to 13);

17 “(2) provides access to energy exploration, de-
18 velopment, installation, or production areas;

19 “(3) connects the primary highway freight net-
20 work, a roadway described in paragraph (1) or (2),
21 or Interstate System to facilities that handle more
22 than—

23 “(A) 50,000 20-foot equivalent units per
24 year; or

1 “(B) 500,000 tons per year of bulk com-
2 modities;

3 “(4) provides access to—

4 “(A) a grain elevator or other regionally
5 significant agricultural facility; or

6 “(B) an intermodal transfer facility;

7 “(5) connects to an international port of entry;

8 “(6) provides access to significant air, rail,
9 water, or other freight facilities in the State; or

10 “(7) is, in the determination of the State, vital
11 to improving the efficient movement of freight of im-
12 portance to the economy of the State.

13 “(f) CRITICAL URBAN FREIGHT CORRIDORS.—A
14 State, or a city or a metropolitan planning organization
15 in coordination with the State, may designate a road with-
16 in the borders of the State as a critical urban freight cor-
17 ridor if the road—

18 “(1) connects an intermodal facility to—

19 “(A) the primary highway freight network;

20 “(B) the Interstate system; or

21 “(C) an intermodal facility;

22 “(2) is located within a corridor of a route on
23 the primary highway freight network and provides
24 alternative highway options important to goods
25 movement;

1 “(3) serves a major freight generator, logistic
2 center, or manufacturing and warehouse industrial
3 land; or

4 “(4) is important to the movement of freight
5 within the region, as determined by the State, city,
6 or metropolitan planning organization.

7 “(g) NATIONAL FREIGHT STRATEGIC PLAN.—

8 “(1) INITIAL DEVELOPMENT OF NATIONAL
9 FREIGHT STRATEGIC PLAN.—Not later than 3 years
10 after the date of enactment of the MAP-21 Reau-
11 thorization Act, the Secretary shall, in consultation
12 with State departments of transportation, metropoli-
13 tan planning organizations, and other appropriate
14 public and private transportation stakeholders, de-
15 velop and post on the public website of the Depart-
16 ment of Transportation a national freight strategic
17 plan that includes—

18 “(A) an assessment of the condition and
19 performance of the national freight network;

20 “(B) an identification of highway bottle-
21 necks on the national freight network that cre-
22 ate significant freight congestion problems,
23 based on a quantitative methodology developed
24 by the Secretary, which shall, at a minimum,
25 include—

1 “(i) information from the Freight
2 Analysis Framework of the Federal High-
3 way Administration; and

4 “(ii) to the maximum extent prac-
5 ticable, an estimate of the cost of address-
6 ing each bottleneck and any operational
7 improvements that could be implemented;

8 “(C) forecasts of freight volumes for the
9 10- and 20-year period beginning in the year
10 during which the plan is issued based on the
11 most recent data available;

12 “(D) an identification of major trade gate-
13 ways and national freight corridors that connect
14 major population centers, trade gateways, and
15 other major freight generators for current and
16 forecasted traffic and freight volumes, the iden-
17 tification of which shall be revised, as appro-
18 priate, in subsequent plans;

19 “(E) an assessment of statutory, regu-
20 latory, technological, institutional, financial,
21 and other barriers to improved freight transpor-
22 tation performance (including opportunities for
23 overcoming the barriers);

1 “(F) an identification of routes providing
2 access to energy exploration, development, in-
3 stallation, or production areas;

4 “(G) best practices for improving the per-
5 formance of the national freight network;

6 “(H) best practices to mitigate the impacts
7 of freight movement on communities;

8 “(I) a process for addressing multistate
9 projects and encouraging jurisdictions to col-
10 laborate;

11 “(J) identification of locations or areas
12 with high crash rates or congestion involving
13 freight traffic, and strategies to address those
14 issues; and

15 “(K) strategies to improve freight inter-
16 modal connectivity.

17 “(2) UPDATES TO NATIONAL FREIGHT STRA-
18 TEGIC PLAN.—Not later than 5 years after the date
19 of completion of the first national freight strategic
20 plan under paragraph (1), and every 5 years there-
21 after, the Secretary shall update and repost on the
22 public website of the Department of Transportation
23 a revised national freight strategic plan.

24 “(h) HIGHWAY FREIGHT TRANSPORTATION CONDI-
25 TIONS AND PERFORMANCE REPORTS.—Not later than 2

1 years after the date of enactment of the MAP-21 Reau-
2 thorization Act and biennially thereafter, the Secretary
3 shall prepare and submit to Congress a report that de-
4 scribes the conditions and performance of the national
5 highway freight network in the United States.

6 “(i) TRANSPORTATION INVESTMENT DATA AND
7 PLANNING TOOLS.—

8 “(1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of the MAP-21 Reauthoriza-
10 tion Act, the Secretary shall—

11 “(A) begin development of new tools and
12 improve existing tools to support an outcome-
13 oriented, performance-based approach to evalu-
14 ate proposed freight-related and other transpor-
15 tation projects, including—

16 “(i) methodologies for systematic
17 analysis of benefits and costs on a national
18 and regional basis;

19 “(ii) tools for ensuring that the eval-
20 uation of freight-related and other trans-
21 portation projects could consider safety,
22 economic competitiveness, environmental
23 sustainability, and system condition in the
24 project selection process;

1 “(iii) improved methods for data col-
2 lection and trend analysis;

3 “(iv) encouraging public-private part-
4 nerships to carry out data sharing activi-
5 ties while maintaining the confidentiality of
6 all proprietary data; and

7 “(v) other tools to assist in effective
8 transportation planning;

9 “(B) identify transportation-related model
10 data elements to support a broad range of eval-
11 uation methods and techniques to assist in
12 making transportation investment decisions;
13 and

14 “(C) at a minimum, in consultation with
15 other relevant Federal agencies, consider any
16 improvements to existing freight flow data col-
17 lection efforts that could reduce identified
18 freight data gaps and deficiencies and help im-
19 prove forecasts of freight transportation de-
20 mand.

21 “(2) CONSULTATION.—The Secretary shall con-
22 sult with Federal, State, and other stakeholders to
23 develop, improve, and implement the tools and col-
24 lect the data described in paragraph (1).

25 “(j) USE OF APPORTIONED FUNDS.—

1 “(1) IN GENERAL.—A State shall obligate
2 funds apportioned to the State under section
3 104(b)(6) to improve the movement of freight on the
4 national highway freight network.

5 “(2) PRIMARY HIGHWAY FREIGHT NETWORK
6 FUNDING.—For each fiscal year, of the funds appor-
7 tioned to a State under section 104(b)(6), the State
8 shall obligate for projects on the primary highway
9 freight network an amount that is not less than the
10 proportion that—

11 “(A) the total mileage in the State des-
12 igned as primary highway freight network;
13 bears to

14 “(B) the sum of—

15 “(i) the total mileage in the State des-
16 igned as primary highway freight net-
17 work; and

18 “(ii) the total mileage in the State on
19 the Interstate system that is not des-
20 igned as part of the primary highway
21 freight network.

22 “(3) FREIGHT PLANNING.—Notwithstanding
23 any other provision of law, effective 2 years after the
24 date of enactment of the MAP–21 Reauthorization
25 Act, a State may not obligate funds apportioned to

1 the State under section 104(b)(6) unless the State
2 has—

3 “(A) established a freight advisory com-
4 mittee in accordance with section 1117 of
5 MAP–21 (23 U.S.C. 167 note; 126 Stat. 472);
6 and

7 “(B) developed a freight plan in accord-
8 ance with section 1118 of MAP–21 (23 U.S.C.
9 167 note; 126 Stat. 473).

10 “(k) ELIGIBILITY.—

11 “(1) IN GENERAL.—Except as provided in this
12 subsection, for a project to be eligible for funding
13 under this section, a State shall provide information
14 to the Secretary describing the improvement made
15 by the project to the efficient movement of freight
16 on the national highway freight network and how
17 the project is consistent with the freight investment
18 plan included in the freight plan of the State.

19 “(2) MULTIMODAL PROJECTS.—A State may
20 obligate not more than 10 percent of the total ap-
21 portionment to the State under section 104(b)(6) for
22 projects within the boundaries of public and private
23 freight rail, maritime projects, and intermodal facili-
24 ties, but shall only include surface transportation in-
25 frastructure necessary to facilitate direct intermodal

1 interchange, transfer, and access into and out of the
2 facility.

3 “(3) ELIGIBLE PROJECTS.—Funds apportioned
4 to the State under section 104(b)(6) for the national
5 highway freight program may be obligated to carry
6 out 1 or more of the following:

7 “(A) Development phase activities, includ-
8 ing planning, feasibility analysis, revenue fore-
9 casting, environmental review, preliminary engi-
10 neering and design work, and other
11 preconstruction activities.

12 “(B) Construction, reconstruction, rehabili-
13 tation, acquisition of real property (including
14 land relating to the project and improvements
15 to land), construction contingencies, acquisition
16 of equipment, and operational improvements di-
17 rectly relating to improving system perform-
18 ance.

19 “(C) Intelligent transportation systems
20 and other technology to improve the flow of
21 freight.

22 “(D) Efforts to reduce the environmental
23 impacts of freight.

24 “(E) Environmental and community miti-
25 gation of freight.

1 “(F) Railway-highway grade separation.

2 “(G) Geometric improvements to inter-
3 changes and ramps.

4 “(H) Truck-only lanes.

5 “(I) Climbing and runaway truck lanes.

6 “(J) Adding or widening of shoulders.

7 “(K) Truck parking facilities eligible for
8 funding under section 1401 of MAP-21 (23
9 U.S.C. 137 note; Public Law 112-141).

10 “(L) Real-time traffic, truck parking,
11 roadway condition, and multimodal transpor-
12 tation information systems.

13 “(M) Electronic screening and
14 credentialing systems for vehicles, including
15 weigh-in-motion truck inspection technologies.

16 “(N) Traffic signal optimization including
17 synchronized and adaptive signals.

18 “(O) Work zone management and informa-
19 tion systems.

20 “(P) Highway ramp metering.

21 “(Q) Electronic cargo and border security
22 technologies that improve truck freight move-
23 ment.

1 “(R) Intelligent transportation systems
2 that would increase truck freight efficiencies in-
3 side the boundaries of intermodal facilities.

4 “(S) Additional road capacity to address
5 highway freight bottlenecks.

6 “(T) A highway project, other than a
7 project described in subparagraphs (A) through
8 (S), to improve the flow of freight on the na-
9 tional highway freight network.

10 “(U) Any other surface transportation
11 project to improve the flow of freight into and
12 out of a facility described in paragraph (2),
13 subject to the limitation of that paragraph.

14 “(4) OTHER ELIGIBLE COSTS.—In addition to
15 the eligible projects identified in paragraph (3), a
16 State may use funds apportioned under section
17 104(b)(6) for—

18 “(A) carrying out diesel retrofit or alter-
19 native fuel projects defined in section 149 for
20 class 8 vehicles; and

21 “(B) the necessary costs of—

22 “(i) conducting analyses and data col-
23 lection;

1 “(ii) developing and updating per-
2 formance targets to carry out this section;
3 and

4 “(iii) reporting to the Secretary to
5 comply with section 150.

6 “(5) APPLICABILITY OF PLANNING REQUIRE-
7 MENTS.—Programming and expenditure of funds for
8 projects under this section shall be consistent with
9 the requirements of sections 134 and 135.

10 “(1) STATE PERFORMANCE TARGETS.—If the Sec-
11 retary determines that a State has not met or made sig-
12 nificant progress toward meeting the performance targets
13 of the State established under section 150(d) by the date
14 that is 2 years after the date of the establishment of the
15 performance targets, until the date on which the Secretary
16 determines that the State has met (or has made signifi-
17 cant progress towards meeting) the State performance
18 targets, the State shall submit to the Secretary, on a bien-
19 nial basis, a freight performance improvement plan that
20 includes—

21 “(1) an identification of significant freight sys-
22 tem trends, needs, and issues within the State;

23 “(2) a description of the freight policies and
24 strategies that will guide the freight-related trans-
25 portation investments of the State;

1 “(3) an inventory of freight bottlenecks within
2 the State and a description of the ways in which the
3 State is allocating funds to improve those bottle-
4 necks; and

5 “(4) a description of the actions the State will
6 undertake to meet the performance targets of the
7 State.

8 “(m) STUDY OF MULTIMODAL PROJECTS.—Not later
9 than 2 years after the date of enactment of this sub-
10 section, the Secretary shall submit to Congress—

11 “(1) a study of freight projects identified in
12 State freight plans under section 1118 of MAP–21
13 (23 U.S.C. 167 note; Public Law 112–141); and

14 “(2) an evaluation of multimodal freight
15 projects included in the State freight plans, or other-
16 wise identified by States, that are unable to be fund-
17 ed under this section due to the limitation under
18 subsection (k)(2).”.

19 **SEC. 1117. STATE FREIGHT ADVISORY COMMITTEES.**

20 Section 1117(a) of MAP–21 (23 U.S.C. 167 note;
21 Public Law 112–141) is amended—

22 (1) by striking “The Secretary shall encourage
23 each State to establish” and inserting “Each State
24 shall establish”; and

1 (2) by striking “representatives of” and insert-
2 ing “all modes of freight transportation active in the
3 State, including airports, highways, rail,”.

4 **SEC. 1118. STATE FREIGHT PLANS.**

5 Section 1118 of MAP-21 (23 U.S.C. 167 note; Public
6 Law 112-141) is amended—

7 (1) in subsection (a) by striking “The Secretary
8 shall encourage each State to develop a” and insert-
9 ing “Each State shall develop a”;

10 (2) in subsection (b)—

11 (A) in paragraph (5) by striking “and” at
12 the end;

13 (B) in paragraph (6) by striking the period
14 at the end and inserting a semicolon; and

15 (C) by adding at the end the following:

16 “(7) consideration of any significant congestion
17 or delay caused by freight movements and any strat-
18 egies to mitigate that congestion or delay; and

19 “(8) a freight investment plan that includes a
20 list of priority projects and describes how funds
21 made available under section 167 of title 23, United
22 States Code, would be invested and matched.”; and

23 (3) by striking subsection (c) and inserting the
24 following:

25 “(c) RELATIONSHIP TO LONG-RANGE PLAN.—

1 “(1) INCORPORATION.—A freight plan de-
2 scribed in subsection (a) may be developed sepa-
3 rately from or incorporated into the statewide stra-
4 tegic long-range transportation plan required by sec-
5 tion 135 of title 23, United States Code.

6 “(2) FISCAL CONSTRAINT.—The priority freight
7 investment plan component of a freight plan shall
8 include a project, or an identified phase of a project,
9 only if funding for completion of the project can rea-
10 sonably be anticipated to be available for the project
11 within the time period identified in the freight in-
12 vestment plan.

13 “(d) PLANNING PERIOD.—The freight plan shall ad-
14 dress a 10-year forecast period.

15 “(e) UPDATES.—

16 “(1) IN GENERAL.—A State shall update the
17 freight plan not less frequently than once every 5
18 years.

19 “(2) FREIGHT INVESTMENT PLAN.—A State
20 may update the freight investment plan more fre-
21 quently than required under paragraph (1).”.

1 **SEC. 1119. PROJECTS OF NATIONAL OR REGIONAL SIGNIFI-**
2 **CANCE.**

3 (a) IN GENERAL.—Chapter 1 of title 23, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 171. Projects of national or regional significance**

7 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
8 shall establish a program in accordance with this section
9 to provide grants for projects that will have a significant
10 impact on a region or the Nation.

11 “(b) PURPOSE OF PROGRAM.—The purpose of the
12 projects of national or regional significance program shall
13 be to assist in funding critical high-cost surface transpor-
14 tation infrastructure projects that are difficult to complete
15 with existing Federal, State, local, and private funds and
16 that will provide 1 or more of the following benefits:

17 “(1) Generate national or regional economic
18 benefits and increase the global economic competi-
19 tiveness of the United States.

20 “(2) Reduce congestion and the impacts of con-
21 gestion.

22 “(3) Improve roadways vital to national energy
23 security.

24 “(4) Improve the efficiency, reliability, and af-
25 fordability of the movement of freight.

26 “(5) Improve transportation safety.

1 “(6) Improve existing and designated future
2 Interstate System routes.

3 “(7) Improve the movement of people through
4 improving rural connectivity and metropolitan acces-
5 sibility.

6 “(c) DEFINITIONS.—In this section, the following
7 definitions apply:

8 “(1) ELIGIBLE APPLICANT.—The term ‘eligible
9 applicant’ means—

10 “(A) a State (or a group of States);

11 “(B) a local government;

12 “(C) a tribal government (or a consortium
13 of tribal governments);

14 “(D) a transit agency;

15 “(E) a public authority;

16 “(F) a port authority;

17 “(G) a political subdivision of a State or
18 local government; or

19 “(H) a multistate or multijurisdictional
20 group of entities described in subparagraphs
21 (A) through (G).

22 “(2) ELIGIBLE PROJECT.—The term ‘eligible
23 project’ means a surface transportation project or a
24 program of integrated surface transportation

1 projects closely related in the function the projects
2 perform that—

3 “(A) is a capital project that is eligible for
4 Federal financial assistance under—

5 “(i) this title; or

6 “(ii) chapter 53 of title 49; and

7 “(B) has eligible project costs that are rea-
8 sonably anticipated to equal or exceed the lesser
9 of—

10 “(i) \$350,000,000; and

11 “(ii)(I) for a project located in a sin-
12 gle State, 30 percent of the amount of
13 Federal-aid highway funds apportioned to
14 the State for the most recently completed
15 fiscal year;

16 “(II) for a project located in a single
17 rural State with a population density of 50
18 or fewer persons per square mile based on
19 the most recent decennial census, 15 per-
20 cent of the amount of Federal-aid highway
21 funds apportioned to the State for the
22 most recently completed fiscal year; or

23 “(III) for a project located in more
24 than 1 State, 75 percent of the amount of
25 Federal-aid highway funds apportioned to

1 the participating State that has the largest
2 apportionment for the most recently com-
3 pleted fiscal year.

4 “(3) ELIGIBLE PROJECT COSTS.—The term ‘eli-
5 gible project costs’ means the costs of—

6 “(A) development phase activities, includ-
7 ing planning, feasibility analysis, revenue fore-
8 casting, environmental review, preliminary engi-
9 neering and design work, and other
10 preconstruction activities;

11 “(B) construction, reconstruction, rehabili-
12 tation, and acquisition of real property (includ-
13 ing land related to the project and improve-
14 ments to land), environmental mitigation, con-
15 struction contingencies, acquisition of equip-
16 ment directly related to improving system per-
17 formance, and operational improvements; and

18 “(C) the subsidy amount (as defined in
19 section 601(a)) and administrative costs of
20 projects eligible for credit assistance under
21 chapter 6, if the Secretary determines that the
22 unobligated balances of amounts made available
23 to carry out the TIFIA program (as defined in
24 section 601(a)) are insufficient to meet the

1 needs of the TIFIA program for that fiscal
2 year.

3 “(4) RURAL AREA.—The term ‘rural area’
4 means an area that is outside of an urbanized area
5 with a population greater than 150,000 individuals,
6 as determined by the Bureau of the Census.

7 “(5) RURAL STATE.—The term ‘rural State’
8 means a State that has a population density of 50
9 or fewer persons per square mile, based on the most
10 recent decennial census.

11 “(d) SOLICITATIONS AND APPLICATIONS.—

12 “(1) GRANT SOLICITATIONS.—The Secretary
13 shall conduct a transparent and competitive national
14 solicitation process to select eligible projects for
15 funding under this section.

16 “(2) APPLICATIONS.—

17 “(A) IN GENERAL.—An eligible applicant
18 seeking a grant under this section shall submit
19 to the Secretary an application in such form, at
20 such time, and containing such information as
21 the Secretary determines necessary.

22 “(B) CONTENTS.—Each application sub-
23 mitted under this paragraph shall include data
24 on the most recent system performance and es-
25 timated system improvements that will result

1 from completion of the eligible project, includ-
2 ing projections for improvements 5, 10, and 20
3 years after completion of the project.

4 “(C) RESUBMISSION OF APPLICATIONS.—
5 An eligible applicant whose project is not se-
6 lected by the Secretary for funding under this
7 section may resubmit an application in a subse-
8 quent solicitation.

9 “(e) CRITERIA FOR PROJECT EVALUATION AND SE-
10 LECTION.—

11 “(1) IN GENERAL.—The Secretary may select a
12 project for funding under this section only if the
13 Secretary determines that the project—

14 “(A) is consistent with the national goals
15 described in section 150(b);

16 “(B) will significantly improve the per-
17 formance of the national surface transportation
18 network, nationally or regionally;

19 “(C) is based on the results of preliminary
20 engineering;

21 “(D) is consistent with the long-range
22 statewide transportation plan;

23 “(E) cannot be readily and efficiently com-
24 pleted without Federal financial assistance;

1 “(F) is justified based on the ability of the
2 project to achieve 1 or more of the following:

3 “(i) Generate national economic bene-
4 fits that reasonably exceed the costs of the
5 project.

6 “(ii) Reduce long-term congestion, in-
7 cluding impacts on a national, regional,
8 and statewide basis.

9 “(iii) Increase the speed, reliability,
10 and accessibility of the movement of people
11 or freight.

12 “(iv) Improve transportation safety,
13 including reducing transportation accident
14 and serious injuries and fatalities; and

15 “(G) is supported by a sufficient amount
16 of non-Federal funding, including evidence of
17 stable and dependable financing to construct,
18 maintain, and operate the infrastructure facil-
19 ity.

20 “(2) ADDITIONAL CONSIDERATIONS.—In evalu-
21 ating a project under this section, in addition to the
22 criteria described in paragraph (1), the Secretary
23 shall consider the extent to which the project—

24 “(A) leverages Federal investment by en-
25 couraging non-Federal contributions to the

1 project, including contributions from public-pri-
2 vate partnerships;

3 “(B) is able to begin construction within
4 18 months of being selected;

5 “(C) incorporates innovative project deliv-
6 ery and financing where practical;

7 “(D) helps maintain or protect the envi-
8 ronment;

9 “(E) improves roadways vital to national
10 energy security;

11 “(F) improves or upgrades designated fu-
12 ture Interstate System routes;

13 “(G) uses innovative technologies, includ-
14 ing intelligent transportation systems, that en-
15 hance the efficiency of the project; and

16 “(H) helps to improve mobility and acces-
17 sibility.

18 “(f) GEOGRAPHIC DISTRIBUTION.—In awarding
19 grants under this section, the Secretary shall take meas-
20 ures to ensure, to the maximum extent practicable—

21 “(1) an equitable geographic distribution of
22 amounts; and

23 “(2) an appropriate balance in addressing the
24 needs of rural and urban communities.

25 “(g) FUNDING REQUIREMENTS.—

1 “(1) IN GENERAL.—The amount of a grant
2 under this section shall not exceed \$50,000,000.

3 “(2) RURAL PROJECTS.—Not less than 20 per-
4 cent of the amounts made available for a fiscal year
5 under this section shall be for eligible projects lo-
6 cated in rural areas or in rural States.

7 “(3) RESERVATION OF FUNDS.—The Secretary
8 shall reserve for projects eligible to receive grant as-
9 sistance under this title (other than projects other-
10 wise eligible under chapter 53 of title 49 or de-
11 scribed in section 167(k)(2)) not less than 80 per-
12 cent of the amount made available for a fiscal year
13 to carry out this section.

14 “(4) STATE CAP.—Not more than 20 percent of
15 the funds made available for a fiscal year to carry
16 out this section may be awarded to projects in a sin-
17 gle State.

18 “(h) GRANT REQUIREMENTS.—

19 “(1) APPLICABILITY OF PLANNING REQUIRE-
20 MENTS.—The programming and expenditure of
21 funds for projects under this section shall be con-
22 sistent with the requirements of sections 134 and
23 135.

24 “(2) DETERMINATION OF APPLICABLE MODAL
25 REQUIREMENTS.—If an eligible project that receives

1 a grant under this section has a crossmodal compo-
2 nent, the Secretary—

3 “(A) shall determine the predominant
4 modal component of the project; and

5 “(B) may apply the applicable require-
6 ments of that predominant modal component to
7 the project.

8 “(i) REPORT TO THE SECRETARY.—For each project
9 funded under this section, the project sponsor shall reas-
10 sess system performance and submit to the Secretary a
11 report not later than 5, 10, and 20 years after completion
12 of the project to assess whether the project outcomes have
13 met preconstruction projections.

14 “(j) NOTIFICATION AND REPORTS.—

15 “(1) CONGRESSIONAL NOTIFICATION, AP-
16 PROVAL, AND DISCLOSURE.—

17 “(A) NOTIFICATION.—At least 30 days be-
18 fore notifying an applicant of selection of a
19 project for funding under this section, the Sec-
20 retary shall notify, in writing, the Committee on
21 Environment and Public Works of the Senate
22 and the Committee on Transportation and In-
23 frastructure of the House of Representatives of
24 the proposed selection along with a description

1 of the reasons for selecting the project, based
2 on the criteria described in subsection (e).

3 “(B) CONGRESSIONAL APPROVAL.—The
4 Secretary may not make any obligation or com-
5 mitment to fund a project under this section if
6 Congress enacts a joint resolution disapproving
7 funding for the project before the last day of
8 the 30-day period described in subparagraph
9 (A).

10 “(C) PUBLIC REPORT.—The Secretary
11 shall make available on the website of the De-
12 partment at the end of each fiscal year an an-
13 nual report that lists each project that has re-
14 ceived assistance under this section during that
15 fiscal year.

16 “(2) COMPTROLLER GENERAL.—

17 “(A) ASSESSMENT.—The Comptroller Gen-
18 eral of the United States shall conduct an as-
19 sessment of the establishment, solicitation, se-
20 lection, and justification process with respect to
21 the funding of projects under this section.

22 “(B) REPORT.—Not later than 1 year
23 after the initial awarding of funding under this
24 section, the Comptroller General of the United
25 States shall submit to the Committee on Envi-

1 ronment and Public Works of the Senate and
2 the Committee on Transportation and Infra-
3 structure of the House of Representatives a re-
4 port that describes—

5 “(i) the process by which each project
6 was selected;

7 “(ii) the criteria used for the selection
8 of each project; and

9 “(iii) the justification for the selection
10 of each project based on the criteria de-
11 scribed in subsection (e).

12 “(3) INSPECTOR GENERAL.—

13 “(A) ASSESSMENT.—The Inspector Gen-
14 eral of the Department shall conduct an assess-
15 ment of the establishment, solicitation, selec-
16 tion, and justification process with respect to
17 the funding of projects under this section.

18 “(B) INITIAL REPORT.—Not later than 2
19 years after the initial awarding of funding
20 under this section, the Inspector General of the
21 Department shall submit to the Committee on
22 Environment and Public Works of the Senate
23 and the Committee on Transportation and In-
24 frastructure of the House of Representatives a

1 report that describes the initial results of the
2 assessment conducted under subparagraph (A).

3 “(C) FINAL REPORT.—Not later than 4
4 years after the initial awarding of funding
5 under this section, the Inspector General of the
6 Department shall submit to the Committee on
7 Environment and Public Works of the Senate
8 and the Committee on Transportation and In-
9 frastructure of the House of Representatives a
10 final report that describes the findings of the
11 Inspector General of the Department with re-
12 spect to the assessment conducted under sub-
13 paragraph (A).”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 chapter 1 of title 23, United States Code, is amended by
16 adding at the end the following:

“171. Projects of national or regional significance.”.

17 **SEC. 1120. TRANSPORTATION ALTERNATIVES.**

18 Section 213 of title 23, United States Code, is
19 amended—

20 (1) in subsection (a)(1) by striking “of fiscal
21 years 2013 and 2014” and inserting “fiscal year”;

22 (2) in subsection (c)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (A) by striking
25 “50” and inserting “66.67”; and

- 1 (ii) in subparagraph (B)—
- 2 (I) by striking “50” and insert-
- 3 ing “33.33”; and
- 4 (II) by inserting “to any eligible
- 5 entity” after “obligated”; and
- 6 (B) in paragraph (4)(B)—
- 7 (i) in clause (vi) by striking “and”;
- 8 (ii) by redesignating clause (vii) as
- 9 clause (viii); and
- 10 (iii) by inserting after clause (vi) the
- 11 following:
- 12 “(vii) a nonprofit entity responsible
- 13 for the administration of local transpor-
- 14 tation safety programs; and”; and
- 15 (3) by adding at the end the following:
- 16 “(h) ANNUAL REPORTS.—Each State or metropoli-
- 17 tan planning organization responsible for carrying out the
- 18 requirements under this section shall submit to the Sec-
- 19 retary an annual report describing—
- 20 “(1) the number of project applications received
- 21 for each fiscal year, including—
- 22 “(A) the estimated cost of each project for
- 23 which an application is received;
- 24 “(B) the aggregate value of the projects
- 25 for which applications are received;

1 “(C) for each project, the proposed cost
2 share of the project sponsor; and

3 “(D) for each project, identification of the
4 type of project to be carried out, as described
5 in subsection (b); and

6 “(2) the number of projects selected for funding
7 for each fiscal year, including—

8 “(A) the cost of each selected project;

9 “(B) the cost share for each selected
10 project;

11 “(C) the type of each selected project, as
12 described in subsection (b); and

13 “(D) the aggregate value of projects se-
14 lected.

15 “(i) EXPEDITING INFRASTRUCTURE PROJECTS.—

16 “(1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this subsection, the Sec-
18 retary shall develop regulations or guidance relating
19 to the implementation of this section that encour-
20 ages the use of the programmatic approaches to en-
21 vironmental reviews, expedited procurement tech-
22 niques, and other best practices to facilitate produc-
23 tive and timely expenditure for projects that are
24 small, low-impact, and constructed within an exist-
25 ing built environment.

1 “(2) STATE PROCESSES.—The Secretary shall
 2 work with State departments of transportation to
 3 ensure that any regulation or guidance developed
 4 under paragraph (1) is consistently implemented by
 5 States and the Federal Highway Administration to
 6 avoid unnecessary delays in implementing projects
 7 and to ensure the effective use of Federal dollars.”.

8 **SEC. 1121. ASSESSING POLICY AND SYSTEM FINANCING AL-**
 9 **TERNATIVES.**

10 Section 503(b) of title 23, United States Code, is
 11 amended by inserting at the end the following:

12 “(9) ASSESSING POLICY AND SYSTEM FINANC-
 13 ING ALTERNATIVES.—

14 “(A) IN GENERAL.—The Secretary shall
 15 carry out a research and innovation program to
 16 explore alternative transportation revenue
 17 mechanisms that preserve a user fee structure
 18 to maintain the long-term solvency of the High-
 19 way Trust Fund.

20 “(B) OBJECTIVES.—In carrying out this
 21 paragraph, the Secretary shall carry out re-
 22 search and development activities—

23 “(i) to direct a coordinated research
 24 and development program to study remain-
 25 ing uncertainties relating to the design, ac-

1 ceptance, and implementation of 3 or more
2 future sustainable alternative transpor-
3 tation revenue mechanisms;

4 “(ii) to define the functionality of 3 or
5 more user-based alternative revenue mech-
6 anisms;

7 “(iii) to conduct or promote research
8 activities to demonstrate and test such
9 user-based alternative revenue mecha-
10 nisms, including field trials, by partnering
11 with individual States, groups of States, or
12 other appropriate entities to conduct such
13 research;

14 “(iv) to conduct outreach to increase
15 public awareness regarding the need for al-
16 ternative funding sources for surface trans-
17 portation programs and provide informa-
18 tion on possible approaches;

19 “(v) to provide recommendations re-
20 garding adoption and implementation of
21 such user-based alternative revenue mecha-
22 nisms; and

23 “(vi) to reduce the administrative cost
24 of any potential alternative revenue mecha-
25 nisms.

1 “(C) CONTENTS.—Research and tech-
2 nology activities carried out under this para-
3 graph may include partnering with and pro-
4 viding grant funding to individual States,
5 groups of States, or other appropriate entities
6 to conduct research that addresses—

7 “(i) the implementation, interoper-
8 ability, public acceptance, and other poten-
9 tial hurdles to the adoption of an alter-
10 native revenue mechanism;

11 “(ii) the protection of personal pri-
12 vacy;

13 “(iii) the utilization of independent
14 and private third-party vendors to collect
15 fees and operate the alternative revenue
16 mechanism;

17 “(iv) equity concerns, including the
18 impacts of the alternative revenue mecha-
19 nism on differing income groups, various
20 geographic areas, and the relative burdens
21 on rural and urban drivers;

22 “(v) ease of compliance for different
23 users of the transportation system;

1 “(vi) the reliability of technology used
2 to implement the alternative revenue mech-
3 anism;

4 “(vii) the flexibility and choices with
5 alternative revenue mechanisms, including
6 the ability of users to select from various
7 technology and payment options;

8 “(viii) the cost of administering the
9 alternative revenue mechanism; and

10 “(ix) the ability of the administering
11 entity to audit and enforce user compli-
12 ance.

13 “(D) ADVISORY COUNCIL.—

14 “(i) IN GENERAL.—Not later than 1
15 year after the date of enactment of this
16 paragraph, the Secretary, in consultation
17 with the Secretary of the Treasury, shall
18 establish and lead a Surface Transpor-
19 tation Revenue Alternatives Advisory
20 Council (hereinafter referred to as ‘the
21 Council’) to inform the selection and eval-
22 uation of alternative revenue mechanisms.

23 “(ii) MEMBERSHIP.—

24 “(I) IN GENERAL.—The members
25 of the Council shall—

1 “(aa) be appointed by the
2 Secretary; and

3 “(bb) include, at a min-
4 imum—

5 “(AA) representation
6 with experience in alter-
7 native revenue mechanisms
8 from the Department of
9 Transportation, the Depart-
10 ment of the Treasury, and
11 not less than 2 State depart-
12 ments of transportation;

13 “(BB) representation
14 from applicable users of the
15 surface transportation sys-
16 tem; and

17 “(CC) are appropriate
18 technology and public pri-
19 vacy experts.

20 “(II) GEOGRAPHIC CONSIDER-
21 ATIONS.—The Secretary shall consider
22 geographic diversity when selecting
23 members under this clause.

24 “(iii) FUNCTIONS.—Not later than 1
25 year after the date on which the Council is

1 established, the Council shall, at a min-
2 imum—

3 “(I) define the functionality of 3
4 or more alternative revenue mecha-
5 nisms;

6 “(II) identify technological, ad-
7 ministrative, institutional, privacy,
8 and other issues that are—

9 “(aa) associated with the al-
10 ternative revenue mechanisms;
11 and

12 “(bb) may be researched
13 through research activities;

14 “(III) conduct public outreach to
15 identify and assess questions and con-
16 cerns about the alternative revenue
17 mechanisms for future evaluation
18 through research activities;

19 “(IV) provide recommendations
20 to the Secretary on the process and
21 criteria used for selecting research ac-
22 tivities under subparagraph (C); and

23 “(V) conduct periodic evaluations
24 of the research activities that have re-

1 ceived assistance under this para-
2 graph from the Secretary.

3 “(E) BIENNIAL REPORTS.—Not later than
4 2 years after the date of enactment of this
5 paragraph, and every 2 years thereafter until
6 the completion of the research activities, the
7 Secretary shall submit to the Secretary of the
8 Treasury, the Committee on Finance and the
9 Committee on Environment and Public Works
10 of the Senate, and the Committee on Ways and
11 Means and the Committee on Transportation
12 and Infrastructure of the House of Representa-
13 tives a report with findings on the progress of
14 the research activities.

15 “(F) FINAL REPORT.—On the completion
16 of the research activities, the Secretary and the
17 Secretary of the Treasury shall submit to the
18 Committee on Finance and the Committee on
19 Environment and Public Works of the Senate
20 and the Committee on Ways and Means and
21 the Committee on Transportation and Infra-
22 structure of the House of Representatives a re-
23 port that includes the findings and any rec-
24 ommendations.

25 “(G) FUNDING.—

1 (1) to review roads classified as principal arte-
2 rials within the State that were added to the Na-
3 tional Highway System as of October 1, 2012, in
4 order to comply with section 103 of title 23, United
5 States Code; and

6 (2) to identify any functional classification
7 changes needed to rural and urban principal arte-
8 rials.

9 (b) ADMINISTRATIVE ACTIONS.—The Secretary shall
10 direct each division office of the Federal Highway Admin-
11 istration to work with the applicable State departments
12 of transportation that have requested assistance under
13 this section—

14 (1) to assist in the review of roads pursuant to
15 the guidance issued under subsection (a);

16 (2) to expeditiously review and facilitate re-
17 quests from States to reclassify roads classified as
18 principal arterials; and

19 (3) to work with States that request that cer-
20 tain roads be withdrawn from the National Highway
21 System in a manner consistent with section
22 103(b)(3)(B) of title 23, United States Code, to
23 carry out that withdrawal if the inclusion of that
24 road on the National Highway System is not con-

1 sistent with the needs and priorities of the commu-
2 nity or region through which the road exists.

3 (c) NHS MODIFICATION REGULATIONS.—The Sec-
4 retary shall—

5 (1) review the National Highway System modi-
6 fication process described in appendix D of part 470
7 of title 23, Code of Federal Regulations (or suc-
8 cessor regulations); and

9 (2) take any actions necessary to ensure that a
10 process exists for a State to submit a request to the
11 Secretary to modify the National Highway System
12 by withdrawing a road from the National Highway
13 System.

14 (d) REPORT TO CONGRESS.—Not later than 1 year
15 after the date of enactment of this Act, and annually
16 thereafter, the Secretary shall submit to the Committee
17 on Environment and Public Works of the Senate and the
18 Committee on Transportation and Infrastructure of the
19 House of Representatives a report that includes a descrip-
20 tion of—

21 (1) each request for reclassification of National
22 Highway System roads;

23 (2) the status of each request; and

24 (3) if applicable, the justification for the denial
25 of the request by the Secretary.

1 (e) MODIFICATIONS TO NHS.—Section 103(b)(3)(A)
 2 of title 23, United States Code, is amended—

3 (1) in the matter preceding clause (i) by insert-
 4 ing “or the withdrawal of a road from that system”
 5 after “intermodal terminal”; and

6 (2) in clause (ii)—

7 (A) by striking “(ii) enhances” and insert-
 8 ing “(ii)(I) enhances”;

9 (B) by striking period at the end and in-
 10 sserting “; or”; and

11 (C) by adding at the end the following:

12 “(II) in the case of the withdrawal of
 13 a road, is reasonable and appropriate.”.

14 **SEC. 1124. DEPARTMENT OF TRANSPORTATION PERFORM-**
 15 **ANCE MEASURES.**

16 (a) PERFORMANCE MEASURES.—Not later than 1
 17 year after the date of enactment of this Act, the Secretary,
 18 in coordination with other Federal agencies with responsi-
 19 bility for the review and approval of projects funded under
 20 title 23, United States Code, shall establish a program to
 21 measure and report on—

22 (1) the progress made toward aligning Federal
 23 reviews of projects funded under title 23, United
 24 States Code, and the improvement of project delivery
 25 associated with those projects; and

1 (2) as applicable, the effectiveness of the De-
2 partment in achieving the goals described in section
3 150(b) of title 23, United States Code, through dis-
4 cretionary programs.

5 (b) REPORT.—Not later than 2 years after the date
6 of enactment of this Act, and biennially thereafter, the
7 Secretary shall submit to the Committee on Environment
8 and Public Works of the Senate and the Committee on
9 Transportation and Infrastructure of the House of Rep-
10 resentatives a report describing the outcome of the evalua-
11 tion under subsection (a).

12 (c) INSPECTOR GENERAL REPORT.—Not later than
13 3 years after the date of enactment of this Act, the Inspec-
14 tor General of the Department of Transportation shall
15 submit to the Committee on Environment and Public
16 Works of the Senate and the Committee on Transpor-
17 tation and Infrastructure of the House of Representatives
18 a report describing the outcome of the evaluation under
19 subsection (a).

20 **SEC. 1125. AMERICAN TRANSPORTATION AWARDS.**

21 (a) DEFINITIONS.—In this section, the following defi-
22 nitions apply:

23 (1) ELIGIBLE ENTITY.—The term “eligible enti-
24 ty” includes—

25 (A) a State;

1 (B) a tribal organization (as defined in
2 section 4 of the Indian Self-Determination and
3 Education Assistance Act (25 U.S.C. 450b));
4 and

5 (C) a metropolitan planning organization.

6 (2) STATE.—The term “State” means—

7 (A) a State;

8 (B) the District of Columbia;

9 (C) the Commonwealth of Puerto Rico;

10 and

11 (D) any other territory or possession of the
12 United States.

13 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
14 shall establish a competitive grant program to support
15 best practices that promote progress, innovation, and effi-
16 ciency for surface transportation programs within State
17 departments of transportation and metropolitan planning
18 organizations.

19 (c) PURPOSE OF PROGRAM.—The purpose of the pro-
20 gram shall be to reward entities for the implementation
21 of policies and procedures that—

22 (1) support a performance-based transportation
23 program;

1 (2) improve efficiency of and reduce the cost
2 and time to construct surface transportation
3 projects;

4 (3) enhance connectivity and accessibility to
5 move people and goods; and

6 (4) adopt practices that improve the safety of
7 and extend the service life of highways and bridges.

8 (d) APPLICATION.—

9 (1) IN GENERAL.—An eligible entity may sub-
10 mit to the Secretary an application for a grant
11 under this section.

12 (2) CONTENTS.—The application—

13 (A) shall indicate how the eligible entity
14 has achieved 1 or more of the purposes listed
15 in subsection (c); and

16 (B) may include information regarding
17 how the eligible entity has adopted or imple-
18 mented 1 or more best practices that meet
19 those purposes, including by—

20 (i) demonstrating fiscal responsibility
21 by delivering Federal highway projects
22 under budget or ahead of schedule;

23 (ii) establishing and making strong
24 progress towards achieving performance

- 1 targets pursuant to section 150(d) of title
2 23, United States Code;
- 3 (iii) utilizing innovative management
4 techniques and practices that enhance the
5 effective movement of people, goods, and
6 services;
- 7 (iv) increasing transportation effi-
8 ciency;
- 9 (v) improving safety, accessibility, and
10 aiding traffic management;
- 11 (vi) extending the service life of high-
12 ways and bridges;
- 13 (vii) integrating transportation invest-
14 ment decisions with a planning process
15 that takes into account economic develop-
16 ment;
- 17 (viii) adopting laws, policies, rules,
18 and regulations or committing resources
19 for practices that have been demonstrated
20 to reduce transportation-related fatalities
21 and injuries;
- 22 (ix) reducing project delivery times;
23 and
- 24 (x) delivering transportation projects
25 that improve accessibility while providing

1 effective and efficient transportation op-
2 tions, as appropriate for the community.

3 (e) EVALUATION CRITERIA.—In awarding a grant
4 under this section, the Secretary shall consider the extent
5 to which the application—

6 (1) demonstrates performance in implementing
7 the best practices listed in subsection (d)(2)(B);

8 (2) promotes the national goals described in
9 section 150(b) of title 23, United States Code; and

10 (3) highlights how the eligible entity has effi-
11 ciently utilized Federal transportation funding to
12 maintain and improve Federal highways within the
13 respective jurisdiction of the eligible entity.

14 (f) ELIGIBLE ACTIVITIES.—Amounts made available
15 to carry out this section shall be used for capital or plan-
16 ning expenses for projects eligible for funding under title
17 23, United States Code, or chapter 53 of title 49, United
18 States Code.

19 (g) LIMITATION.—The amount of a grant under this
20 section shall be not more than \$10,000,000.

21 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$125,000,000 for each of fiscal years 2016 through 2020,
24 to remain available until expended.

1 (i) APPLICABILITY OF REQUIREMENTS.—Amounts
 2 made available under this section shall be administered as
 3 if such funds were apportioned under chapter 1 of title
 4 23, United States Code.

5 **Subtitle B—Highway Trust Fund**
 6 **Transparency and Accountability**

7 **SEC. 1201. HIGHWAY TRUST FUND TRANSPARENCY AND AC-**
 8 **COUNTABILITY.**

9 (a) IN GENERAL.—Section 104 of title 23, United
 10 States Code, is amended by striking subsection (g) and
 11 inserting the following:

12 “(g) HIGHWAY TRUST FUND TRANSPARENCY AND
 13 ACCOUNTABILITY.—

14 “(1) DATA COLLECTION.—Not later than 180
 15 days after the end of each fiscal year, the Secretary
 16 shall compile and make available in a user-friendly
 17 manner on the public website of the Department of
 18 Transportation data on the amounts made available
 19 under this title for that fiscal year.

20 “(2) REQUIREMENTS.—In carrying out para-
 21 graph (1), the Secretary shall ensure that the data
 22 made available on the public website of the Depart-
 23 ment of Transportation—

24 “(A) is updated regularly to reflect the
 25 most recent status of obligations, expenditures,

1 and Federal-aid projects, to the maximum ex-
2 tent practicable;

3 “(B) can be searched and downloaded by
4 users of the website;

5 “(C) is organized by State and, to the
6 maximum extent practicable, project;

7 “(D) categorizes the project as—

8 “(i) a pavement widening project;

9 “(ii) a pavement improvement project;

10 “(iii) a new road construction project;

11 “(iv) a new bridge construction
12 project;

13 “(v) a bridge improvement project; or

14 “(vi) a bridge replacement project;

15 “(E) identifies the location of project, in-
16 cluding whether the project is located in an ur-
17 banized or rural area;

18 “(F) identifies the 1 or more programs
19 from which the amounts were obligated; and

20 “(G) includes comprehensive data, orga-
21 nized by fiscal year, that includes—

22 “(i) the total amount obligated, orga-
23 nized by State, during the preceding fiscal
24 year;

1 “(ii) the balance, as of September 30
2 of the preceding fiscal year, of the unobli-
3 gated apportionment under this section, or-
4 ganized by State and fiscal year;

5 “(iii) the balance of the unobligated
6 amounts available for expenditure at the
7 discretion of the Secretary under this
8 chapter for the fiscal year;

9 “(iv) the amount obligated for each
10 Federal-aid highway program during the
11 preceding fiscal year;

12 “(v) the percentage of the total
13 amount of obligations for the preceding fis-
14 cal year under each Federal-aid highway
15 program that is from the Highway Trust
16 Fund;

17 “(vi) the percentage of the total
18 amount of obligations for the preceding fis-
19 cal year made from the Highway Account
20 of the Highway Trust Fund used for con-
21 struction and rehabilitation;

22 “(vii) the rate of obligation of the
23 amounts apportioned or set aside under
24 this section, organized by—

25 “(I) program;

1 “(II) funding category or sub-
2 category;

3 “(III) type of improvement;

4 “(IV) State; and

5 “(V) sub-State geographical area,
6 including urbanized and rural areas,
7 on the basis of the population of each
8 such area; and

9 “(viii) the average cost and time asso-
10 ciated with preparing the environmental
11 review documents required for projects
12 that received funding from the Highway
13 Account of the Highway Trust Fund dur-
14 ing the preceding fiscal year that require—

15 “(I) a categorical exclusion;

16 “(II) an environmental assess-
17 ment; or

18 “(III) an environmental impact
19 statement.”.

20 (b) CONFORMING AMENDMENT.—Section 1503 of
21 MAP-21 (23 U.S.C. 104 note; Public Law 112-141) is
22 amended by striking subsection (c).

1 **SEC. 1202. REPORT ON HIGHWAY TRUST FUND ADMINIS-**
2 **TRATIVE EXPENDITURES.**

3 (a) INITIAL REPORT.—Not later than 150 days after
4 the date of enactment of this Act, the Comptroller General
5 of the United States shall submit to Congress a report
6 describing the administrative expenses of the Federal
7 Highway Administration funded from the Highway Trust
8 Fund during the 3 most recently completed fiscal years.

9 (b) UPDATES.—Not later than 5 years after the date
10 on which the report is submitted under subsection (a) and
11 every 5 years thereafter, the Comptroller General of the
12 United States shall submit to Congress a report that up-
13 dates the information provided in the report under that
14 subsection for the applicable 5-year period.

15 (c) INCLUSIONS.—A report submitted under sub-
16 section (a) or (b) shall include a description of—

17 (1) the types of administrative expenses in pro-
18 grams and offices funded by the Highway Trust
19 Fund;

20 (2) how administrative expenses are tracked
21 and monitored;

22 (3) what controls are in place to ensure that
23 funding for administrative expenses are being used
24 as efficiently as practicable; and

25 (4) what flexibility the Department of Trans-
26 portation has to reallocate amounts from the High-

1 way Trust Fund between full-time equivalent em-
 2 ployees and other functions.

3 **Subtitle C—Acceleration of Project**
 4 **Delivery**

5 **SEC. 1301. CATEGORICAL EXCLUSION FOR PROJECTS OF**
 6 **LIMITED FEDERAL ASSISTANCE.**

7 Section 1317(1) of MAP–21 (23 U.S.C. 109 note;
 8 Public Law 112–141) is amended—

9 (1) in subparagraph (A) by inserting “(as ad-
 10 justed each fiscal year to reflect changes for the 12-
 11 month period ending the preceding November 30 in
 12 the National Highway Construction Cost Index)”
 13 after “\$5,000,000”; and

14 (2) in subparagraph (B) by inserting “(as ad-
 15 justed each fiscal year to reflect changes for the 12-
 16 month period ending the preceding November 30 in
 17 the National Highway Construction Cost Index)”
 18 after “\$30,000,000”.

19 **SEC. 1302. PROGRAMMATIC AGREEMENT TEMPLATE.**

20 Section 1318 of MAP–21 (23 U.S.C. 109 note; Public
 21 Law 112–141) is amended by adding at the end the fol-
 22 lowing:

23 “(e) PROGRAMMATIC AGREEMENT TEMPLATE.—

24 “(1) IN GENERAL.—The Secretary shall develop
 25 a template programmatic agreement described in

1 subsection (d) that provides for efficient and ade-
2 quate procedures for evaluating Federal actions de-
3 scribed in section 771.117(c) of title 23, Code of
4 Federal Regulations (as in effect on the date of en-
5 actment of this subsection).

6 “(2) USE OF TEMPLATE.—The Secretary—

7 “(A) on receipt of a request from the Gov-
8 ernor of a State, shall use the template pro-
9 grammatic agreement developed under para-
10 graph (1) in carrying out this section; and

11 “(B) on consent of the applicable State,
12 may modify the template as necessary to ad-
13 dress the unique needs and characteristics of
14 the State.

15 “(3) OUTCOME MEASUREMENTS.—The Sec-
16 retary shall establish a method to verify that actions
17 described in section 771.117(c) of title 23, Code of
18 Federal Regulations (as in effect on the date of en-
19 actment of this subsection), are evaluated and docu-
20 mented in a consistent manner by the Governor of
21 any State that uses the template programmatic
22 agreement under this subsection.”.

1 **SEC. 1303. SATISFACTION OF REQUIREMENTS FOR CER-**
2 **TAIN HISTORIC SITES.**

3 (a) TITLE 23 AMENDMENT.—Section 138 of title 23,
4 United States Code, is amended by adding at the end the
5 following:

6 “(c) SATISFACTION OF REQUIREMENTS FOR CER-
7 TAIN HISTORIC SITES.—

8 “(1) IN GENERAL.—The Secretary shall—

9 “(A) align, to the maximum extent prac-
10 ticable, the requirements of this section with
11 the requirements of—

12 “(i) the National Environmental Pol-
13 icy Act of 1969 (42 U.S.C. 4231 et seq.)
14 and the regulations promulgated pursuant
15 to that Act; and

16 “(ii) section 106 of the National His-
17 toric Preservation Act (16 U.S.C. 470f)
18 and the regulations promulgated pursuant
19 to that section; and

20 “(B) coordinate with the Secretary of the
21 Interior and the Executive Director of the Advi-
22 sory Council on Historic Preservation to estab-
23 lish procedures that will satisfy the require-
24 ments of the provisions of law (including regu-
25 lations) referred to in subparagraph (A) by not

1 later than 90 days after the date of enactment
2 of this subsection.

3 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

4 “(A) IN GENERAL.—If, in an analysis re-
5 quired under the National Environmental Pol-
6 icy Act of 1969 (42 U.S.C. 4231 et seq.), the
7 Secretary determines that no feasible or pru-
8 dent alternative exists to avoid use of a historic
9 site, the Secretary may—

10 “(i) include that determination in the
11 analysis;

12 “(ii) provide a notice of the deter-
13 mination to—

14 “(I) each applicable State his-
15 toric preservation officer and tribal
16 historic preservation officer;

17 “(II) the Executive Director of
18 the Advisory Council on Historic
19 Preservation (if the Council is partici-
20 pating in a relevant consultation proc-
21 ess under section 106 of the National
22 Historic Preservation Act (16 U.S.C.
23 470f)); and

24 “(III) the Secretary of the Inte-
25 rior; and

1 “(iii) request from each individual de-
2 scribed in clause (ii) a concurrence that
3 the determination is sufficient to satisfy
4 the requirement of subsection (a)(1).

5 “(B) ACTION ON CONCURRENCE.—If each
6 individual described in subparagraph (A)(ii)
7 provides a concurrence requested under sub-
8 paragraph (A)(iii), no further analysis under
9 subsection (a)(1) shall be required.

10 “(C) PUBLICATION.—A notice of a deter-
11 mination, together with each relevant concur-
12 rence to that determination, under subpara-
13 graph (A) shall be—

14 “(i) included in the record of decision
15 or finding of no significant impact of the
16 Secretary; and

17 “(ii) posted on an appropriate Federal
18 website by not later than 3 days after the
19 date of receipt by the Secretary of all con-
20 currences requested under subparagraph
21 (A)(iii).

22 “(3) ALIGNING HISTORICAL REVIEWS.—

23 “(A) IN GENERAL.—If the Secretary and
24 the individuals described in paragraph
25 (2)(A)(ii) concur that no feasible and prudent

1 alternative exists as described in paragraph (2),
2 the Secretary may provide to each individual
3 described in paragraph (2)(A)(ii) a notice of the
4 intent of the Secretary to satisfy the require-
5 ments of subsection (a)(2) through the con-
6 sultation requirements of section 106 of the
7 National Historic Preservation Act (16 U.S.C.
8 470f).

9 “(B) SATISFACTION OF CONDITIONS.—To
10 satisfy the requirements of subsection (a)(2),
11 each individual described in paragraph
12 (2)(A)(ii) shall concur in the treatment of the
13 applicable historic site described in the memo-
14 randum of agreement or programmatic agree-
15 ment developed under section 106 of the Na-
16 tional Historic Preservation Act (16 U.S.C.
17 470f).”.

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

20 (1) in subsection (c), in the matter preceding
21 paragraph (1), by striking “subsection (d)” and in-
22 serting “subsections (d) and (e)”; and

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

24 “(e) SATISFACTION OF REQUIREMENTS FOR CER-
25 TAIN HISTORIC SITES.—

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

2 “(A) align, to the maximum extent prac-
3 ticable, the requirements of this section with
4 the requirements of—

5 “(i) the National Environmental Pol-
6 icy Act of 1969 (42 U.S.C. 4231 et seq.)
7 and the regulations promulgated pursuant
8 to that Act; and

9 “(ii) section 106 of the National His-
10 toric Preservation Act (16 U.S.C. 470f)
11 and the regulations promulgated pursuant
12 to that section; and

13 “(B) coordinate with the Secretary of the
14 Interior and the Executive Director of the Advi-
15 sory Council on Historic Preservation to estab-
16 lish procedures that will satisfy the require-
17 ments of the provisions of law (including regu-
18 lations) referred to in subparagraph (A) by not
19 later than 90 days after the date of enactment
20 of this subsection.

21 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

22 “(A) IN GENERAL.—If, in an analysis re-
23 quired under the National Environmental Pol-
24 icy Act of 1969 (42 U.S.C. 4231 et seq.), the
25 Secretary determines that no feasible or pru-

1 dent alternative exists to avoid use of a historic
2 site, the Secretary may—

3 “(i) include that determination in the
4 analysis;

5 “(ii) provide a notice of the deter-
6 mination to—

7 “(I) each applicable State his-
8 toric preservation officer and tribal
9 historic preservation officer;

10 “(II) the Executive Director of
11 the Advisory Council on Historic
12 Preservation (if the Council is partici-
13 pating in a relevant consultation proc-
14 ess under section 106 of the National
15 Historic Preservation Act (16 U.S.C.
16 470f)); and

17 “(III) the Secretary of the Inte-
18 rior; and

19 “(iii) request from each individual de-
20 scribed in clause (ii) a concurrence that
21 the determination is sufficient to satisfy
22 the requirement of subsection (c)(1).

23 “(B) ACTION ON CONCURRENCE.—If each
24 individual described in subparagraph (A)(ii)
25 provides a concurrence requested under sub-

1 paragraph (A)(iii), no further analysis under
2 subsection (c)(1) shall be required.

3 “(C) PUBLICATION.—A notice of a deter-
4 mination, together with each relevant concur-
5 rence to that determination, under subpara-
6 graph (A) shall be—

7 “(i) included in the record of decision
8 or finding of no significant impact of the
9 Secretary; and

10 “(ii) posted on an appropriate Federal
11 website by not later than 3 days after the
12 date of receipt by the Secretary of all con-
13 currences requested under subparagraph
14 (A)(iii).

15 “(3) ALIGNING HISTORICAL REVIEWS.—

16 “(A) IN GENERAL.—If the Secretary and
17 the individuals described in paragraph
18 (2)(A)(ii) concur that no feasible and prudent
19 alternative exists as described in paragraph (2),
20 the Secretary may provide to each individual
21 described in paragraph (2)(A)(ii) a notice of the
22 intent of the Secretary to satisfy the require-
23 ments of subsection (c)(2) through the con-
24 sultation requirements of section 106 of the

1 National Historic Preservation Act (16 U.S.C.
2 470f).

3 “(B) SATISFACTION OF CONDITIONS.—To
4 satisfy the requirements of subsection (c)(2),
5 each individual described in paragraph
6 (2)(A)(ii) shall concur in the treatment of the
7 applicable historic site described in the memo-
8 randum of agreement or programmatic agree-
9 ment developed under section 106 of the Na-
10 tional Historic Preservation Act (16 U.S.C.
11 470f).”.

12 **SEC. 1304. INITIATION OF ENVIRONMENTAL REVIEW PROC-**
13 **ESS AND ELIMINATION OF DUPLICATIVE RE-**
14 **VIEWS.**

15 Section 139 of title 23, United States Code, is
16 amended—

17 (1) in subsection (e)—

18 (A) in paragraph (1), by inserting “(in-
19 cluding any additional information that the
20 project sponsor considers to be important to ini-
21 tiate the process for the proposed project)”
22 after “location of the proposed project”; and

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

24 “(3) REVIEW OF APPLICATION.—Not later than
25 45 days after the date on which an application is re-

1 received by the Secretary under this subsection, the
2 Secretary shall provide to the project sponsor a writ-
3 ten response that, as applicable—

4 “(A) describes the determination of the
5 Secretary—

6 “(i) to initiate the environmental re-
7 view process, including a timeline and an
8 expected date for the publication in the
9 Federal Register of the relevant notice of
10 intent; or

11 “(ii) to decline the application, includ-
12 ing an explanation of the reasons for that
13 decision; or

14 “(B) requests additional information re-
15 garding, and provides to the project sponsor an
16 accounting, regarding what is necessary to ini-
17 tiate the environmental review process.”; and

18 (2) in subsection (f)(4), by adding at the end
19 the following:

20 “(E) REDUCTION OF DUPLICATION.—

21 “(i) IN GENERAL.—In carrying out
22 this paragraph, the head of a Federal
23 agency shall reduce duplication, to the
24 maximum extent practicable, between—

1 “(I) the evaluation of alternatives
2 under the National Environmental
3 Policy Act of 1969 (42 U.S.C. 4321
4 et seq.); and

5 “(II) the evaluation of alter-
6 natives in the metropolitan transpor-
7 tation planning process or by a State
8 transportation department or local
9 transportation agency pursuant to
10 State law relating to the environ-
11 mental review process.

12 “(ii) CONSIDERATION OF ALTER-
13 NATIVES.—The head of a Federal agency
14 may eliminate from detailed consideration
15 an alternative proposed in an environ-
16 mental impact statement regarding a
17 project if, as determined by the head of the
18 Federal agency—

19 “(I) the Federal lead agency pro-
20 vided to the State transportation de-
21 partment or local transportation agen-
22 cy guidance regarding analysis of al-
23 ternatives during the metropolitan
24 transportation planning process, in-
25 cluding guidance on the requirements

1 under the National Environmental
2 Policy Act of 1969 (42 U.S.C. 4321
3 et seq.) and any other requirements of
4 Federal law necessary for approval of
5 the project;

6 “(II) the applicable metropolitan
7 planning process or State or local
8 transportation agency environmental
9 review process included an oppor-
10 tunity for public review and comment;

11 “(III) the State transportation
12 department or local transportation
13 agency rejected the alternative after
14 considering public comments;

15 “(IV) the Federal lead agency
16 independently reviewed the alternative
17 evaluation approved by the State
18 transportation department or local
19 transportation agency; and

20 “(V) the Federal lead agency, in
21 consultation with any Federal agency
22 with jurisdiction over a permit or ap-
23 proval required for a project, has de-
24 termined that the alternative to be

1 eliminated from consideration is not
2 necessary for—

3 “(aa) compliance with the
4 National Environmental Policy
5 Act of 1969 (42 U.S.C. 4321 et
6 seq.); or

7 “(bb) any permit or ap-
8 proval under any other Federal
9 law.”.

10 **SEC. 1305. ACCELERATED DECISIONMAKING IN ENVIRON-**
11 **MENTAL REVIEWS.**

12 (a) IN GENERAL.—Section 139 of title 23, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 “(n) ACCELERATED DECISIONMAKING IN ENVIRON-
16 MENTAL REVIEWS.—

17 “(1) IN GENERAL.—In preparing a final envi-
18 ronmental impact statement under the National En-
19 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
20 seq.), if the lead agency modifies the statement in
21 response to comments that are minor and are con-
22 fined to factual corrections or explanations regarding
23 why the comments do not warrant additional agency
24 response, the lead agency may write on errata sheets
25 attached to the statement instead of rewriting the

1 draft statement, subject to the conditions that the
2 errata sheets shall—

3 “(A) cite the sources, authorities, or rea-
4 sons that support the position of the lead agen-
5 cy; and

6 “(B) if appropriate, indicate the cir-
7 cumstances that would trigger agency re-
8 appraisal or further response.

9 “(2) INCORPORATION.—To the maximum ex-
10 tent practicable, the lead agency shall expeditiously
11 develop a single document that consists of a final en-
12 vironmental impact statement and a record of deci-
13 sion, unless—

14 “(A) the final environmental impact state-
15 ment makes substantial changes to the pro-
16 posed action that are relevant to environmental
17 or safety concerns; or

18 “(B) there are significant new cir-
19 cumstances or information relevant to environ-
20 mental concerns and that bear on the proposed
21 action or the impacts of the proposed action.”.

22 (b) REPEAL.—Section 1319 of MAP-21 (42 U.S.C.
23 4332a) is repealed.

1 **SEC. 1306. INTEGRATION OF PLANNING AND ENVIRON-**
2 **MENTAL REVIEW.**

3 Section 168 of title 23, United States Code, is
4 amended—

5 (1) in subsection (c)(1)—

6 (A) by redesignating subparagraphs (C)
7 through (E) as subparagraphs (E) through (G),
8 respectively;

9 (B) in subparagraph (B), by inserting
10 “general travel corridor or” before “modal
11 choice”; and

12 (C) by inserting after subparagraph (B)
13 the following:

14 “(C) the purpose and the need for the pro-
15 posed action;

16 “(D) preliminary screening of alternatives
17 and elimination of unreasonable alternatives;”;
18 and

19 (2) in subsection (d)—

20 (A) in paragraph (9), by inserting “and is
21 incorporated in accordance with the National
22 Environmental Policy Act of 1969 (42 U.S.C.
23 4321 et seq.) and section 1502.21 of title 40,
24 Code of Federal Regulations (as in effect on the
25 date of enactment of the MAP-21 Reauthoriza-
26 tion Act)” before the period at the end; and

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

2 “(11) The planning product is sufficient to
3 meet the requirements for a permit or approval
4 under applicable Federal law.”.

5 **SEC. 1307. USE OF PROGRAMMATIC AGREEMENT.**

6 Section 169(f) of title 23, United States Code, is
7 amended—

8 (1) by striking “may use” and inserting “shall
9 give substantial weight to”; and

10 (2) by inserting “or other Federal environ-
11 mental law” before the period at the end.

12 **SEC. 1308. TECHNICAL ASSISTANCE FOR STATES.**

13 Section 326 of title 23, United States Code, is
14 amended—

15 (1) in subsection (c)—

16 (A) by redesignating paragraphs (2)
17 through (4) as paragraphs (3) through (5), re-
18 spectively; and

19 (B) by inserting after paragraph (1) the
20 following:

21 “(2) ASSISTANCE TO STATES.—On request of a
22 Governor of a State, the Secretary shall provide to
23 the State technical assistance, training, or other
24 support relating to—

1 “(A) assuming responsibility under sub-
2 section (a);

3 “(B) developing a memorandum of under-
4 standing under this subsection; or

5 “(C) addressing a responsibility in need of
6 corrective action under subsection (d)(1)(B).”;

7 and

8 (2) in subsection (d) by striking paragraph (1)
9 and inserting the following:

10 “(1) TERMINATION BY SECRETARY.—The Sec-
11 retary may terminate the participation of any State
12 in the program if—

13 “(A) the Secretary determines that the
14 State is not adequately carrying out the respon-
15 sibilities assigned to the State;

16 “(B) the Secretary provides to the State—

17 “(i) a notification of the determina-
18 tion of noncompliance;

19 “(ii) a period of not less than 120
20 days to take such corrective action as the
21 Secretary determines to be necessary to
22 comply with the applicable agreement; and

23 “(iii) on request of the Governor of
24 the State, a detailed description of each re-
25 sponsibility in need of corrective action re-

1 garding an inadequacy identified under
2 subparagraph (A); and

3 “(C) the State, after the notification and
4 period provided under subparagraph (B), fails
5 to take satisfactory corrective action, as deter-
6 mined by the Secretary.”.

7 **SEC. 1309. IMPROVEMENT OF APPLICATION OF CATEGOR-**
8 **ICAL EXCLUSIONS FOR MULTIMODAL**
9 **PROJECTS.**

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

12 (1) Subsection (a)(1) is amended—

13 (A) by striking “operating authority” and
14 inserting “operating administration or secre-
15 tarial office”;

16 (B) by inserting “has expertise but” before
17 “is not the lead”; and

18 (C) by inserting “proposed multimodal”
19 before “project”.

20 (2) Subsection (a)(2) is amended to read as fol-
21 lows:

22 “(2) **LEAD AUTHORITY.**—The term ‘lead au-
23 thority’ means a Department of Transportation op-
24 erating administration or secretarial office that has

1 the lead responsibility for a proposed multimodal
2 project.”.

3 (3) Subsection (a)(3) is amended by striking
4 “has the meaning given the term in section 139(a)
5 of title 23” and inserting “means an action by the
6 Department of Transportation that involves exper-
7 tise of one or more Department of Transportation
8 operating administrations or secretarial office”.

9 (4) Subsection (b) is amended by striking
10 “under this title” and inserting “by the Secretary”.

11 (5) Subsection (c) is amended—

12 (A) by striking “a categorical exclusion
13 designated under the implementing regulations
14 or” and inserting “categorical exclusions des-
15 ignated under the National Environmental Pol-
16 icy Act of 1969 (42 U.S.C. 4321 et seq.) imple-
17 menting”;

18 (B) by striking “other components of the”
19 and inserting “a proposed multimodal”;

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

22 “(1) the lead authority makes a preliminary de-
23 termination on the applicability of a categorical ex-
24 clusion to a proposed multimodal project and notifies

1 the cooperating authority of its intent to apply the
2 cooperating authority categorical exclusion;

3 “(2) the cooperating authority does not object
4 to the lead authority’s preliminary determination of
5 its applicability;”;

6 (D) by amending paragraph (3) by insert-
7 ing “the lead authority determines that” at the
8 beginning, and “proposed multimodal” before
9 “project to be covered”; and

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

12 “(4) the lead authority, with the concurrence of
13 the cooperative authority—

14 “(A) follows implementing regulations or
15 procedures under the National Environmental
16 Policy Act of 1969 (42 U.S.C. 4321 et seq.);

17 “(B) determines that the proposed
18 multimodal project does not individually or cu-
19 mulatively have a significant impact on the en-
20 vironment; and

21 “(C) determines that extraordinary cir-
22 cumstances do not exist that merit additional
23 analysis and documentation in an environ-
24 mental impact statement or environmental as-
25 sessment required under the National Environ-

1 mental Policy Act of 1969 (42 U.S.C. 4321 et
2 seq.); and”.

3 (6) Subsection (d) is amended to read as fol-
4 lows:

5 “(d) COOPERATIVE AUTHORITY EXPERTISE.—A co-
6 operating authority shall provide expertise to the lead au-
7 thority on aspects of the multimodal project in which the
8 cooperating authority has expertise.”.

9 **TITLE II—TRANSPORTATION IN-**
10 **FRASTRUCTURE FINANCE**
11 **AND INNOVATION ACT OF**
12 **1998 AMENDMENTS**

13 **SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE**
14 **AND INNOVATION ACT OF 1998 AMENDMENTS.**

15 (a) DEFINITIONS.—Section 601(a) of title 23, United
16 States Code, is amended—

17 (1) by striking paragraph (10) and inserting
18 the following:

19 “(10) MASTER CREDIT AGREEMENT.—The term
20 ‘master credit agreement’ means an agreement to
21 extend credit assistance for a program of related
22 projects secured by a common security pledge (which
23 shall receive an investment grade rating from a rat-
24 ing agency prior to the Secretary entering into such

1 master credit agreement), or for a single project cov-
2 ered under section 602(b)(2) that would—

3 “(A) make contingent commitments of 1 or
4 more secured loans or other Federal credit in-
5 struments at future dates, subject to—

6 “(i) the availability of future funds
7 being made available to carry out this
8 chapter; and

9 “(ii) the satisfaction of all of the con-
10 ditions for the provision of credit assist-
11 ance under this chapter, including section
12 603(b)(1);

13 “(B) establish the maximum amounts and
14 general terms and conditions of the secured
15 loans or other Federal credit instruments;

16 “(C) identify the 1 or more dedicated non-
17 Federal revenue sources that will secure the re-
18 payment of the secured loans or secured Fed-
19 eral credit instruments;

20 “(D) provide for the obligation of funds for
21 the secured loans or secured Federal credit in-
22 struments after all requirements have been met
23 for the projects subject to the master credit
24 agreement, including—

1 “(i) completion of an environmental
2 impact statement or similar analysis re-
3 quired under the National Environmental
4 Policy Act of 1969 (42 U.S.C. 4321 et
5 seq.);

6 “(ii) compliance with such other re-
7 quirements as are specified in this chapter,
8 including sections 602(c) and 603(b)(1);
9 and

10 “(iii) the availability of funds to carry
11 out this chapter; and

12 “(E) require that contingent commitments
13 result in a financial close and obligation of
14 credit assistance not later than 3 years after
15 the date of entry into the master credit agree-
16 ment, or release of the commitment, unless oth-
17 erwise extended by the Secretary.”;

18 (2) in paragraph (12)—

19 (A) in subparagraph (C) by striking “and”
20 at the end;

21 (B) in subparagraph (D)(iv) by striking
22 the period at the end and inserting a semicolon;
23 and

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

1 “(E) a project to improve or construct
2 public infrastructure that is located within
3 walking distance of, and accessible to, a fixed
4 guideway transit facility, passenger rail station,
5 intercity bus station, or intermodal facility, in-
6 cluding transportation, public utility, and cap-
7 ital projects described in section 5302(3)(G)(v)
8 of title 49, and related infrastructure; and

9 “(F) a project for the acquisition of plant
10 and wildlife habitat pursuant to a conservation
11 plan that—

12 “(i) has been approved by the Sec-
13 retary of the Interior pursuant to section
14 10 of the Endangered Species Act of 1973
15 (16 U.S.C. 1539); and

16 “(ii) in the judgment of the Secretary,
17 would mitigate the environmental impacts
18 of transportation infrastructure projects
19 otherwise eligible for assistance under this
20 chapter.”; and

21 (3) by striking paragraph (15) and inserting
22 the following:

23 “(15) RURAL INFRASTRUCTURE PROJECT.—
24 The term ‘rural infrastructure project’ means a sur-
25 face infrastructure project located in an area that is

1 outside of an urbanized area with a population
 2 greater than 150,000 individuals, as determined by
 3 the Bureau of the Census.”.

4 (b) ELIGIBLE PROJECT COSTS.—Section
 5 602(a)(5)(B) of title 23, United States Code, is amend-
 6 ed—

7 (1) by striking “(B) INTELLIGENT TRANSPOR-
 8 TATION SYSTEM PROJECTS.—In the case” and in-
 9 serting the following:

10 “(B) EXCEPTIONS.—

11 “(i) INTELLIGENT TRANSPORTATION
 12 SYSTEMS.—In the case”; and

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

14 “(ii) TRANSIT-ORIENTED DEVELOP-
 15 MENT PROJECTS.—In the case of a project
 16 described in section 601(a)(12)(E), eligible
 17 project costs shall be reasonably antici-
 18 pated to be equal to or exceed
 19 \$10,000,000.”.

20 (c) MASTER CREDIT AGREEMENTS.—Section 602(b)
 21 of title 23, United States Code is amended by striking
 22 paragraph (2) and inserting the following:

23 “(2) MASTER CREDIT AGREEMENTS.—

24 “(A) PROGRAM OF RELATED PROJECTS.—

25 The Secretary may enter into a master credit

1 agreement for a program of related projects se-
2 cured by a common security pledge on terms
3 acceptable to the Secretary.

4 “(B) ADEQUATE FUNDING NOT AVAIL-
5 ABLE.—If the Secretary fully obligates funding
6 to eligible projects in a fiscal year, and ade-
7 quate funding is not available to fund a credit
8 instrument, a project sponsor of an eligible
9 project may elect to enter into a master credit
10 agreement and wait to execute a credit instru-
11 ment until the fiscal year during which addi-
12 tional funds are available to receive credit as-
13 sistance.”.

14 (d) PROGRAM ADMINISTRATION.—Section 605 of
15 title 23, United States Code, is amended by adding at the
16 end the following:

17 “(f) ASSISTANCE TO SMALL PROJECTS.—The Sec-
18 retary shall use not less than \$2,000,000 of administrative
19 funding per year in lieu of fees collected under subsection
20 (b) for projects under this chapter with a total project cost
21 of less than \$75,000,000.”.

22 (e) FUNDING.—Section 608(a)(6) of title 23, United
23 States Code, is amended by striking “0.50” and inserting
24 “0.75”.

1 **SEC. 2002. STATE INFRASTRUCTURE BANKS.**

2 Section 610 of title 23, United States Code, is
3 amended—

4 (1) in subsection (d)—

5 (A) in paragraph (1) by striking subpara-
6 graph (A) and inserting the following:

7 “(A) 10 percent of the funds apportioned
8 to the State for each of fiscal years 2015
9 through 2020 under each of sections 104(b)(1),
10 104(b)(2), and 104(b)(6); and”;

11 (B) in paragraph (2) by striking “2005
12 through 2009” and inserting “2015 through
13 2020”;

14 (C) in paragraph (3), by striking “2005
15 through 2009” and inserting “2015 through
16 2020”; and

17 (D) in paragraph (5), by striking “section
18 133(d)(3)” and inserting “section 133(d)(1)”;
19 and

20 (2) in subsection (k), by striking “2005 through
21 2009” and inserting “2015 through 2020”.

22 **SEC. 2003. TIFIA LOANS FOR STATE INFRASTRUCTURE**
23 **BANKS.**

24 (a) TIFIA LOANS.—Chapter 6 of title 23, United
25 States Code, is amended by adding at the end the fol-
26 lowing:

1 **“§ 611. TIFIA loans for State infrastructure banks**

2 “(a) DEFINITIONS.—In this section, the following
3 definitions apply:

4 “(1) LETTER OF INTEREST.—The term ‘letter
5 of interest’ means a letter submitted by a potential
6 State infrastructure bank applicant prior to an ap-
7 plication for credit assistance in a format prescribed
8 by the Secretary on the website of the TIFIA pro-
9 gram that—

10 “(A) outlines the proposed financial plan,
11 including the requested credit assistance; and

12 “(B) provides information regarding satis-
13 faction of other eligibility requirements of the
14 TIFIA program.

15 “(2) LIMITED BUYDOWN.—The term ‘limited
16 buydown’ means a buydown of the interest rate by
17 the obligor if the interest rate has increased be-
18 tween—

19 “(A) the date on which an application ac-
20 ceptable to the Secretary is submitted; and

21 “(B) the date on which the Secretary exe-
22 cutes the secured loan.

23 “(3) OBLIGOR.—The term ‘obligor’ means a
24 State infrastructure bank established under section
25 610 that is primarily liable for payment of the prin-
26 cipal of or interest on a secured loan.

1 “(4) SECURED LOAN.—The term ‘secured loan’
2 means a direct loan or other debt obligation issued
3 by an obligor and funded by the Secretary in connec-
4 tion with the capitalization or deposit into a State
5 infrastructure bank established under section 610.

6 “(5) SENIOR OBLIGATION.—Except as provided
7 in subsection (i), the term ‘senior obligation’ means
8 any note, bond, debenture, or other debt obligation
9 issued by an obligor, other than a secured loan, that
10 is secured by the dedicated revenue sources that also
11 secure the secured loan and that is senior in right
12 of payment to the secured loan.

13 “(6) STATE INFRASTRUCTURE BANK OBLIGA-
14 TION.—The term ‘State infrastructure bank obliga-
15 tion’ means any note, bond, debenture, or other debt
16 obligation issued by a State infrastructure bank,
17 other than a secured loan, that is secured by the
18 dedicated revenue sources that also secure the se-
19 cured loan.

20 “(7) SUBSIDY AMOUNT.—The term ‘subsidy
21 amount’ means the amount of budget authority suf-
22 ficient to cover the estimated long-term cost to the
23 Federal Government of a secured loan—

24 “(A) calculated on a net present value
25 basis; and

1 “(B) excluding administrative costs and
2 any incidental effects on governmental receipts
3 or outlays in accordance with the Federal Cred-
4 it Reform Act of 1990 (2 U.S.C. 661 et seq.).

5 “(b) ESTABLISHMENT.—The Secretary may set aside
6 up to 10 percent of the funds made available to carry out
7 the TIFIA program under this chapter (excluding the
8 amount set aside under section 608(a)(3)) to provide cred-
9 it assistance for the capitalization of, or deposit into, a
10 State infrastructure bank established under section 610.

11 “(c) ELIGIBILITY.—

12 “(1) LETTER OF INTEREST.—To apply for
13 credit assistance under this section, a State infra-
14 structure bank shall submit a letter of interest prior
15 to submission of a formal application for a secured
16 loan.

17 “(2) CREDITWORTHINESS.—

18 “(A) IN GENERAL.—To be eligible for a se-
19 cured loan under this section, a State infra-
20 structure bank shall satisfy applicable credit-
21 worthiness standards, which, at a minimum,
22 shall include—

23 “(i) adequate coverage requirements
24 to ensure repayment;

1 “(ii) an investment grade rating from
2 at least 2 rating agencies on debt senior to
3 the secured loan; and

4 “(iii) a rating from at least 2 rating
5 agencies on the secured loan, subject to the
6 condition that, with respect to clause (ii),
7 if the total amount of the senior debt and
8 the secured loan is less than \$75,000,000,
9 1 rating agency opinion for each of the
10 senior debt and secured loan shall be suffi-
11 cient.

12 “(B) SENIOR DEBT.—Notwithstanding
13 subparagraph (A), in a case in which the se-
14 cured loan is the senior debt of the State infra-
15 structure bank—

16 “(i) if the secured loan is for an
17 amount that equals or exceeds
18 \$75,000,000, the secured loan shall be re-
19 quired to receive an investment grade rat-
20 ing from at least 2 rating agencies; and

21 “(ii) if the secured loan is for an
22 amount less than \$75,000,000, the secured
23 loan shall be required to receive an invest-
24 ment grade rating from at least 1 rating
25 agency.

1 “(3) DEDICATED REVENUE SOURCES.—The se-
2 cured loan shall be repayable from pledged revenues
3 not affected by the performance of any loans made
4 by the State infrastructure bank receiving the Fed-
5 eral credit assistance, such as a tax-backed revenue
6 pledge.

7 “(d) PRELIMINARY RATING OPINION LETTER.—
8 After the submission of a letter of interest and prior to
9 the submission of an application, upon request of the Sec-
10 retary, each State infrastructure bank seeking a secured
11 loan under this section shall provide a preliminary rating
12 opinion letter from at least 1 rating agency—

13 “(1) indicating that the senior debt of the State
14 infrastructure bank, which may be the secured loan,
15 has the potential to achieve an investment-grade rat-
16 ing; and

17 “(2) including a preliminary rating opinion on
18 the secured loan.

19 “(e) APPLICATION PROCESS.—

20 “(1) IN GENERAL.—The Secretary shall estab-
21 lish a rolling application process to carry out this
22 section.

23 “(2) SUBMISSION.—A State infrastructure bank
24 seeking a secured loan under this section shall sub-
25 mit to the Secretary an application in such form, at

1 such time, and containing such information as the
2 Secretary determines to be necessary.

3 “(f) APPLICATION PROCESSING PROCEDURES.—

4 “(1) NOTICE OF COMPLETE APPLICATION.—

5 Not later than 30 days after the date of receipt of
6 an application under this section, the Secretary shall
7 provide to the applicant a written notice informing
8 the applicant whether—

9 “(A) the application is complete; or

10 “(B) additional information or materials
11 are needed to complete the application.

12 “(2) APPROVAL OR DENIAL OF APPLICATION.—

13 Not later than 60 days after the date of issuance of
14 the written notice under paragraph (1), the Sec-
15 retary shall provide to the State infrastructure bank
16 a written notice informing the applicant whether the
17 Secretary has approved or disapproved the applica-
18 tion.

19 “(g) AGREEMENTS.—

20 “(1) RISK ASSESSMENT.—Before entering into
21 an agreement under this section, the Secretary, in
22 consultation with the Director of the Office of Man-
23 agement and Budget, shall determine an appropriate
24 capital reserve subsidy amount for each secured

1 loan, taking into account each preliminary rating
2 opinion letter received under subsection (d).

3 “(2) SECURED LOANS.—Credit assistance pro-
4 vided under this section shall be provided through an
5 agreement entered into between the Secretary and a
6 State infrastructure bank for a secured loan, the
7 proceeds of which shall be used for the capitalization
8 of, or deposit into, the TIFIA account of a State in-
9 frastructure bank established under section 610.

10 “(3) TERMS AND LIMITATIONS.—

11 “(A) IN GENERAL.—A secured loan under
12 this section shall be on such terms and condi-
13 tions and contain such covenants, representa-
14 tions, warranties, and requirements (including
15 requirements for audits) as the Secretary deter-
16 mines to be appropriate.

17 “(B) INTEREST RATE.—Except as pro-
18 vided in subparagraph (C), the interest rate on
19 a secured loan under this section shall be not
20 less than the yield on United States Treasury
21 securities of a similar maturity to the maturity
22 of the secured loan on the date of execution of
23 the secured loan agreement.

24 “(C) LIMITED BUYDOWNS.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), an obligor shall be entitled to buy
3 down the interest rate of a secured loan
4 under this section through a limited
5 buydown.

6 “(ii) LIMITATION.—A limited
7 buydown may not lower the interest rate of
8 a secured loan by more than the lesser
9 of—

10 “(I) 1½ percentage points (150
11 basis points); and

12 “(II) the amount of the increase
13 in the interest rate.

14 “(4) MATURITY DATE.—The final maturity
15 date of a secured loan under this section shall not
16 be later than 35 years after the date on which the
17 Secretary executes the secured loan.

18 “(h) USE OF SECURED LOANS.—

19 “(1) IN GENERAL.—For each fiscal year, credit
20 assistance provided to an obligor under this section
21 shall be in an amount that is not less than
22 \$25,000,000, but not more than \$100,000,000.

23 “(2) USE OF FUNDS.—Subject to subparagraph
24 (B), a State infrastructure bank receiving credit as-
25 sistance under this section shall—

1 “(A) deposit those amounts into the
2 TIFIA account of the State infrastructure
3 bank; and

4 “(B) use such credit assistance for projects
5 eligible under section 610.

6 “(i) NONSUBORDINATION.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2), the secured loan shall not be subordi-
9 nated to the claims of any holder of senior obliga-
10 tions in the event of bankruptcy, insolvency, or liq-
11 uidation of the obligor.

12 “(2) PREEXISTING INDENTURE.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), the Secretary shall waive the re-
15 quirement under paragraph (1) for a State in-
16 frastructure bank that has outstanding senior
17 obligations under a preexisting indenture if the
18 secured loan is rated in the A category or high-
19 er.

20 “(B) RESTRICTION.—If the Secretary
21 waives the nonsubordination requirement under
22 this paragraph—

23 “(i) the maximum credit subsidy to be
24 paid by the Federal Government shall be

1 not more than 10 percent of the principal
2 amount of the secured loan; and

3 “(ii) the obligor shall be responsible
4 for paying the remainder of the subsidy
5 cost, if any.

6 “(j) FEES.—The Secretary may establish fees at a
7 level sufficient to cover all or a portion of the costs to
8 the Federal Government of making a secured loan under
9 this section.

10 “(k) REPAYMENT.—

11 “(1) SCHEDULE.—The Secretary shall establish
12 a repayment schedule for each secured loan under
13 this section based on the projected cash flow from
14 the dedicated repayment sources.

15 “(2) COMMENCEMENT.—Scheduled loan repay-
16 ments of principal or interest on a secured loan
17 under this section shall commence not later than 5
18 years after the date on which the Secretary executes
19 the secured loan.

20 “(3) DEFERRED PAYMENTS.—

21 “(A) IN GENERAL.—If, at any time after
22 the date on which the Secretary executed the
23 secured loan, the revenues pledged to pay the
24 scheduled loan repayments of principal and in-
25 terest on the secured loan are not sufficient to

1 make such payments, the Secretary may, sub-
2 ject to subparagraph (C), allow the obligor to
3 add unpaid principal and interest to the out-
4 standing balance of the secured loan.

5 “(B) INTEREST.—Any payment deferred
6 under subparagraph (A) shall—

7 “(i) continue to accrue interest in ac-
8 cordance with subsection (g)(3)(B) until
9 fully repaid; and

10 “(ii) be scheduled to be amortized
11 over the remaining term of the loan.

12 “(C) CRITERIA.—

13 “(i) IN GENERAL.—Any payment de-
14 ferral under subparagraph (A) shall be
15 contingent on the obligor meeting criteria
16 established by the Secretary.

17 “(ii) REPAYMENT STANDARDS.—The
18 criteria established pursuant to clause (i)
19 shall include standards for reasonable as-
20 surance of repayment.

21 “(4) PREPAYMENT.—

22 “(A) USE OF EXCESS REVENUES.—Any
23 excess revenues that remain after satisfying
24 scheduled debt service requirements on the
25 State infrastructure bank obligations and se-

1 cured loan and all deposit requirements under
2 the terms of any trust agreement, bond resolu-
3 tion, or similar agreement securing State infra-
4 structure bank obligations may be applied an-
5 nually to prepay the secured loan without pen-
6 alty.

7 “(B) USE OF PROCEEDS OF REFI-
8 NANCING.—The secured loan may be prepaid at
9 any time without penalty from the proceeds of
10 refinancing from non-Federal funding sources.

11 “(1) SALE OF SECURED LOANS.—

12 “(1) IN GENERAL.—Subject to paragraph (2),
13 the Secretary may sell to another entity or reoffer
14 into the capital markets a secured loan if the Sec-
15 retary determines that the sale or reoffering can be
16 made on favorable terms.

17 “(2) CONSENT OF OBLIGOR.—In making a sale
18 or reoffering under paragraph (1), the Secretary
19 may not change the original terms and conditions of
20 the secured loan without the written consent of the
21 obligor.”.

22 (b) CONFORMING AMENDMENTS.—Section 610 of
23 title 23, United States Code, is amended—

24 (1) in subsection (d)—

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

4 (B) by inserting after paragraph (3) the
5 following:

6 “(4) TIFIA ACCOUNT.—

7 “(A) IN GENERAL.—Subject to subsection
8 (j), the Secretary may permit a State entering
9 into a cooperative agreement under this section
10 to establish a State infrastructure bank to de-
11 posit into the TIFIA account of the bank funds
12 received under section 611.

13 “(B) TREATMENT OF ACCOUNT.—Federal
14 funds deposited into the TIFIA account shall
15 constitute a capitalization secured loan for the
16 TIFIA account of the State infrastructure
17 bank.

18 “(C) LIMITATION.—Amounts in the TIFIA
19 account shall be used only to carry out projects
20 eligible for assistance under chapter 1 of this
21 title or chapter 53 of title 49.”; and

22 (2) in subsection (f), by inserting “, except that
23 funds in the TIFIA account of a State infrastruc-
24 ture bank established under this section may be used
25 only for projects with reasonably anticipated eligible

1 project costs of not less than \$5,000,000 but not
 2 more than \$50,000,000” before the period at the
 3 end.

4 (c) CONFORMING AMENDMENT.—The analysis for
 5 chapter 6 of title 23, United States Code, is amended by
 6 adding at the end the following:

“611. TIFIA loans for State infrastructure banks.”.

7 **TITLE III—TECHNICAL**
 8 **CORRECTIONS TO MAP-21**

9 **SEC. 3001. TECHNICAL CORRECTIONS.**

10 (a) Section 101(a)(29) of title 23, United States
 11 Code, is amended—

12 (1) in subparagraph (B) by inserting a comma
 13 after “disabilities”; and

14 (2) in subparagraph (F)(i) by striking
 15 “133(b)(11)” and inserting “133(b)(14)”.

16 (b) Section 119 of title 23, United States Code, is
 17 amended—

18 (1) in subsection (d)(1)(A) by striking “mobil-
 19 ity,” and inserting “congestion reduction, system re-
 20 liability,”; and

21 (2) in subsection (e)(7)—

22 (A) by striking “this paragraph” and in-
 23 serting “section 150(e)”;

24 (B) by inserting “under that section” after
 25 “next report submitted”.

1 (c) Section 120 of title 23, United States Code, is
2 amended—

3 (1) in subsection (c)(3)—

4 (A) in subparagraph (A) by striking “para-
5 graph (1), (2), or (5)” and inserting “para-
6 graph (1) or (2)”;

7 (B) in subparagraph (C)(i) by striking
8 “paragraphs (1), (2), and (5)” and inserting
9 “paragraphs (1) and (2)”;

10 (2) in subsection (e)(2) by striking “Federal
11 land access transportation facilities” and inserting
12 “other federally owned roads that are open to public
13 travel”.

14 (d) Section 126(b)(1) of title 23, United States Code,
15 is amended by striking “133(d)” and inserting
16 “133(d)(1)(A)”.

17 (e) Section 127(a)(3) of title 23, United States Code,
18 is amended by striking “118(b)(2)” and inserting
19 “118(b)”.

20 (f) Section 129(a)(5)(B) of title 23, United States
21 Code, is amended by striking “the Federal-aid system”
22 and inserting “Federal-aid highways”.

23 (g) Section 133 of title 23, United States Code, is
24 amended—

25 (1) in subsection (d)—

1 (A) in paragraph (1)(A)(ii) by striking
2 “greater than 5,000” and inserting “of 5,000
3 or more”; and

4 (B) in paragraph (3)—

5 (i) by striking “paragraph (1)(A)(ii)”
6 and inserting “paragraph (1)(A)(iii)”; and

7 (ii) by striking “greater than 5,000
8 and less than 200,000” and inserting “of
9 5,000 to 200,000”;

10 (2) in subsection (f)(1) by striking “104(b)(3)”
11 and inserting “104(b)(2)”;

12 (3) in subsection (g)(2)(A) by striking “sub-
13 section (d)” and inserting “subsection (d)(1)(A)”;
14 and

15 (4) in subsection (h)(1) by striking “subsection
16 (d)(1)(A)(iii)” and inserting “subsection
17 (d)(1)(A)(ii)”.

18 (h) Section 134 of title 23, United States Code, is
19 amended—

20 (1) in subsection (i)(8) by striking “(2)(C)”
21 each place it appears and inserting “(2)(E)”;

22 (2) in subsection (l)—

23 (A) in paragraph (1) by inserting a period
24 at the end; and

1 (B) in paragraph (2)(D) by striking “of
2 less than 200,000” and inserting “with a popu-
3 lation of 200,000 or less”;

4 (3) in subsection (n)(1) by striking “chapter 53
5 of title,” and inserting “chapter 53 of title 49,”; and

6 (4) in subsection (p) by striking “set aside
7 under section 104(f)” and inserting “apportioned
8 under section 104(b)(5)”.

9 (i) Section 144 of title 23, United States Code, is
10 amended—

11 (1) in subsection (c)(2)(A) by striking “the nat-
12 ural condition of the bridge” and inserting “their
13 natural condition”; and

14 (2) in subsection (k)(2) (as redesignated by sec-
15 tion 1108(a)(1)) by striking “104(b)(3)” and insert-
16 ing “104(b)(2)”.

17 (j) Section 148 of title 23, United States Code, is
18 amended—

19 (1) in subsection (a)(4)(B)(xx) by striking “for
20 safety purposes”; and

21 (2) in subsection (i) in the matter preceding
22 paragraph (1) by striking “performance targets”
23 each place it appears and inserting “safety perform-
24 ance targets”.

1 (k) Section 149 of title 23, United States Code, is
2 amended—

3 (1) in subsection (d)(2)—

4 (A) in subparagraph (A)(i) by striking
5 “(excluding the amount of funds reserved under
6 paragraph (l))”; and

7 (B) in subparagraph (B)(i) by striking
8 “MAP-21t” and inserting “MAP-21”;

9 (2) in subsection (g)(2)(B) by striking “later
10 that” and inserting “later than”;

11 (3) in subsection (l)(1)(B) by inserting “air
12 quality and traffic congestion” before “performance
13 targets”; and

14 (4) in subsection (m) by striking “104(b)(2)”
15 and inserting “104(b)(4)”.

16 (l) Section 150(c)(3)(B) of title 23, United States
17 Code, is amended by striking the semicolon at the end and
18 inserting a period.

19 (m) Section 153(h)(2) of title 23, United States
20 Code, is amended by striking “paragraphs (1) through
21 (3)” and inserting “paragraphs (1), (2), and (4)”.

22 (n) Section 163(f)(2) of title 23, United States Code,
23 is amended by striking “118(b)(2)” and inserting
24 “118(b)”.

1 (o) Section 202(b)(3) of title 23, United States Code,
2 is amended—

3 (1) in subparagraph (A)(i) by inserting
4 “(a)(6),” after “subsections”; and

5 (2) in subparagraph (C)(ii)(IV) by striking
6 “(III).]” and inserting “(III).”.

7 (p) Section 203(b)(1) of title 23, United States Code,
8 is amended by striking “2011” and inserting “2012”.

9 (q) Section 213 of title 23, United States Code, is
10 amended—

11 (1) in subsection (c)(1)(A)(ii) by striking
12 “greater than 5,000” and inserting “of 5,000 or
13 more”; and

14 (2) in subsection (e) by striking “this chapter”
15 and inserting “chapter 1”.

16 (r) Section 217(a) of title 23, United States Code,
17 is amended by striking “104(b)(3)” and inserting
18 “104(b)(4)”.

19 (s) Section 504(a)(4) of title 23, United States Code,
20 is amended by striking “104(b)(3)” and inserting
21 “104(b)(2)”.

22 (t) Section 515 of title 23, United States Code, is
23 amended by striking “this chapter” each place it appears
24 and inserting “sections 512 through 518”.

1 (u) Section 518(a) of title 23, United States Code,
2 is amended by inserting “a report” after “House of Rep-
3 resentatives”.

4 (v) Section 608(a)(2) of title 23, United States Code,
5 is amended by inserting “of” after “504(f)”.

6 (w) Section 6302(b)(3)(B)(vi)(III) of title 49, United
7 States Code, is amended by striking “6310” and inserting
8 “6309”.

9 (x) Section 1102 of MAP-21 (23 U.S.C. 104 note;
10 126 Stat. 416) is amended—

11 (1) in subsection (b)(10) by striking “2011”
12 and inserting “2012”; and

13 (2) in subsection (c)(5) by striking “section
14 204” and inserting “sections 202 and 204”.

15 (y) Section 1301(l)(3) of SAFETEA-LU (23 U.S.C.
16 101 note; 126 Stat. 493) is amended—

17 (1) in subparagraph (A)(i) by striking “com-
18 plied” and inserting “compiled”; and

19 (2) in subparagraph (B) by striking “paragraph
20 (1)” and inserting “subparagraph (A)”.

21 (z) Section 51001(a)(1) of the Transportation Re-
22 search and Innovative Technology Act of 2012 (126 Stat.
23 864) is amended by striking “sections 503(b), 503(d), and
24 509” and inserting “section 503(b)”.

○