

117TH CONGRESS
1ST SESSION

S. 1465

To establish a competitive grant program for highway-rail grade crossing improvement projects.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2021

Ms. CANTWELL (for herself and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish a competitive grant program for highway-rail grade crossing improvement projects.

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.**

4 This Act may be cited as the “Railroad Crossing
5 Elimination Act”.

6 **SEC. 2. RAILROAD CROSSING ELIMINATION PROGRAM.**

7 (a) IN GENERAL.—Chapter 229 of title 49, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 **“§ 22909. Railroad Crossing Elimination Program**

2 “(a) IN GENERAL.—The Secretary of the Transpor-
3 tation, in cooperation with the Administrator of the Fed-
4 eral Railroad Administration, shall establish a competitive
5 grant program (referred to in this section as the ‘Pro-
6 gram’) under which the Secretary shall award grants to
7 eligible recipients described in subsection (c) for highway-
8 rail grade crossing improvement projects that focus on im-
9 proving the safety and mobility of people and goods.

10 “(b) GOALS.—The goals of the Program are—

11 “(1) to eliminate highway-rail grade crossings
12 that are frequently blocked by trains;

13 “(2) to improve the health and safety of com-
14 munities;

15 “(3) to reduce the impacts that freight move-
16 ment and railroad operations may have on under-
17 served communities; and

18 “(4) to improve the mobility of people and
19 goods.

20 “(c) ELIGIBLE RECIPIENTS.—The following entities
21 are eligible to receive a grant under this section:

22 “(1) A State, including the District of Colum-
23 bia, Puerto Rico, and other United States territories
24 and possessions.

25 “(2) A political subdivision of a State.

26 “(3) A federally recognized Indian Tribe.

1 “(4) A unit of local government or a group of
2 local governments.

3 “(5) A public port authority, including inland
4 ports.

5 “(6) A metropolitan planning organization.

6 “(7) A group of entities described in any of
7 paragraphs (1) through (6).

8 “(d) ELIGIBLE PROJECTS.—The Secretary may
9 award a grant under the Program for a highway-rail or
10 pathway-rail grade crossing improvement project (includ-
11 ing acquiring real property interests) involving—

12 “(1) grade separation or closure, including
13 through the use of a bridge or a tunnel;

14 “(2) track relocation;

15 “(3) the improvement or installation of protec-
16 tive devices, signals, signs, or other measures to im-
17 prove safety if it is related to a separation or reloca-
18 tion project described in paragraph (1) or (2);

19 “(4) other means intended to improve the mo-
20 bility of people and goods at highway-rail grade
21 crossings (including technological solutions);

22 “(5) a group of related projects described in
23 paragraphs (1) through (4) that would collectively
24 improve freight mobility; or

1 “(6) the planning and design of an eligible
2 project described in paragraphs (1) through (5).

3 “(e) APPLICATION PROCESS.—

4 “(1) IN GENERAL.—An eligible entity desiring a
5 grant under the Program shall submit an application
6 to the Secretary at such time, in such manner, and
7 containing such information as the Secretary may
8 require.

9 “(2) RAILROAD APPROVALS.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), the Secretary shall require
12 applicants to obtain the necessary approvals
13 from any impacted rail carriers or right-of-way
14 owners before proceeding with the construction
15 of a project funded by a grant under the Pro-
16 gram.

17 “(B) EXCEPTION.—The requirement under
18 subparagraph (A) shall not apply to planning
19 projects described in subsection (d)(6) if the ap-
20 plicant agrees to work collaboratively with rail
21 carriers and right-of-way owners.

22 “(f) PROJECT SELECTION CRITERIA.—

23 “(1) IN GENERAL.—In awarding grants under
24 the Program, the Secretary shall evaluate the extent
25 to which proposed projects would—

1 “(A) improve safety at highway-rail or
2 pathway-rail grade crossings;

3 “(B) improve the mobility of people and
4 goods;

5 “(C) reduce emissions, protect the environ-
6 ment, and provide community benefits, includ-
7 ing noise reduction;

8 “(D) improve access to emergency services;

9 “(E) provide economic benefits; and

10 “(F) improve access to communities sepa-
11 rated by rail crossings.

12 “(2) ADDITIONAL CONSIDERATIONS.—In
13 awarding grants under the Program, the Secretary
14 shall consider—

15 “(A) the degree to which the proposed
16 project will—

17 “(i) use innovative technologies;

18 “(ii) use innovative design and con-
19 struction techniques; or

20 “(iii) use construction materials that
21 reduce greenhouse gas emissions;

22 “(B) the applicant’s planned use of con-
23 tracting incentives to employ local labor, to the
24 extent permissible under Federal statutes and
25 regulations;

1 “(C) whether the proposed project im-
2 proves the mobility of—

3 “(i) multiple modes of transportation,
4 including ingress and egress from freight
5 facilities; or

6 “(ii) users of nonvehicular modes of
7 transportation, such as pedestrians, bicy-
8 clists, and public transportation;

9 “(D) whether the proposed project is iden-
10 tified in—

11 “(i) the freight investment plan com-
12 ponent of a State freight plan, as required
13 under section 70202(b)(9) of title 49,
14 United States Code;

15 “(ii) a State rail plan prepared under
16 chapter 227; or

17 “(iii) a State highway-rail grade
18 crossing action plan, as required under sec-
19 tion 11401(b) of the FAST Act (49 U.S.C.
20 22501 note); and

21 “(E) the level of financial support provided
22 by impacted rail carriers.

23 “(3) AWARD DISTRIBUTION.—In selecting
24 grants for Program funds in any fiscal year, the
25 Secretary shall comply with the following limitations:

1 “(A) GRANT FUNDS.—Not less than 20
2 percent of the grant funds available for the
3 Program in any fiscal year shall be reserved for
4 projects located in rural areas or on tribal
5 lands. The requirement under section 22907(l)
6 of title 49, United States Code, shall not apply
7 to grant funds reserved under this subpara-
8 graph.

9 “(B) PLANNING GRANTS.—Not less than
10 25 percent of the grant funds set aside for
11 planning projects in any fiscal year pursuant to
12 subsection (k)(2) shall be awarded for projects
13 located in rural areas or on tribal lands.

14 “(C) STATE LIMITATION.—Not more than
15 20 percent of the grant funds available for the
16 Program in any fiscal year may be selected for
17 projects in any single State.

18 “(D) MINIMUM SIZE.—No grant awarded
19 under this section shall be for less than
20 \$1,000,000.

21 “(g) COST SHARE.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), the Federal share of the cost of a project
24 carried out using a grant under the Program may
25 not exceed 80 percent of the total cost of the

1 project. Applicants may count costs incurred for pre-
2 liminary engineering associated with highway-rail
3 and pathway-rail grade crossing improvement
4 projects as part of the total project costs.

5 “(2) PLANNING PROJECTS.—The Federal share
6 of the cost of a planning project described in sub-
7 section (d)(6) may be 100 percent of the total cost
8 of the project.

9 “(h) CONGRESSIONAL NOTIFICATION.—Not later
10 than 3 days before awarding a grant for a project under
11 the Program, the Secretary shall submit written notifica-
12 tion of the proposed grant to the Committee on Com-
13 merce, Science, and Transportation of the Senate and the
14 Committee on Transportation and Infrastructure of the
15 House of Representatives, which notification shall in-
16 clude—

17 “(1) a summary of the project; and

18 “(2) the amount of the proposed grant award.

19 “(i) DEFINED TERM.—In this section, the term
20 ‘rural area’ means any area that is not in an urbanized
21 area, as defined by the Bureau of the Census.

22 “(j) ANNUAL REPORT.—Not later than 60 days after
23 each round of award notifications, the Secretary shall
24 post, on the public website of the Department of Trans-
25 portation, a list of—

1 “(1) all eligible applicants that submitted an
2 application for funding under the Program during
3 such fiscal year;

4 “(2) the grant recipients and projects that re-
5 ceived grant funding under the Program during such
6 fiscal year; and

7 “(3) a list of proposed projects and applicants
8 that were determined to be ineligible.

9 “(k) AUTHORIZATION OF APPROPRIATIONS.—

10 “(1) IN GENERAL.—There is authorized to be
11 appropriated \$500,000,000 in each of the fiscal
12 years 2022 through 2026 to carry out the Program.

13 “(2) PLANNING PROJECTS SET ASIDE.—Not
14 less than 3 percent of the amount appropriated for
15 the Program in each fiscal year shall be used for
16 planning projects described in subsection (d)(6).

17 “(3) ADMINISTRATIVE COSTS.—Not more than
18 2 percent of the amount appropriated for the Pro-
19 gram in each fiscal year may be used for administra-
20 tive costs.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 in chapter 229 of title 49, United States Code, is amended
23 by adding at the end the following:

“22909. Railroad Crossing Elimination Program.”.

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