

117TH CONGRESS
1ST SESSION

S. 2229

To require the Secretary of Transportation to carry out a highway formula modernization study, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2021

Mr. KELLY (for himself and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the Secretary of Transportation to carry out a highway formula modernization study, 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.**

4 This Act may be cited as the “Highway Formula
5 Modernization Act of 2021”.

6 **SEC. 2. HIGHWAY FORMULA MODERNIZATION STUDY.**

7 (a) IN GENERAL.—The Secretary of Transportation
8 (referred to in this section as the “Secretary”), in con-
9 sultation with the State departments of transportation

1 and representatives of local governments (including metro-
2 politan planning organizations), shall conduct a highway
3 formula modernization study to assess the method and
4 data used to apportion Federal-aid highway funds under
5 subsections (b) and (c) of section 104 of title 23, United
6 States Code, and issue recommendations relating to that
7 method and data.

8 (b) ASSESSMENT.—The highway formula moderniza-
9 tion study required under subsection (a) shall include an
10 assessment of, based on the latest available data, whether
11 the apportionment method described in that subsection re-
12 sults in—

13 (1) an equitable distribution of funds based on
14 the estimated tax payments attributable to—

15 (A) highway users in the State that are
16 paid into the Highway Trust Fund; and

17 (B) individuals in the State that are paid
18 to the Treasury, based on contributions to the
19 Highway Trust Fund from the general fund of
20 the Treasury; and

21 (2) the achievement of the goals described in
22 section 101(b)(3) of title 23, United States Code.

23 (c) CONSIDERATIONS.—In the assessment under sub-
24 section (b), the Secretary shall consider the following:

1 (1) The factors described in sections 104(b),
2 104(f)(2), 104(h)(2), 130(f), and 144(e) of title 23,
3 United States Code, as in effect on the date of en-
4 actment of SAFETEA-LU (Public Law 109-59;
5 119 Stat. 1144).

6 (2) The availability and accuracy of data nec-
7 essary to calculate formula apportionments under
8 the factors described in paragraph (1).

9 (3) The measures established under section 150
10 of title 23, United States Code, and whether those
11 measures are appropriate for consideration as for-
12 mula apportionment factors.

13 (4) Any other factors that the Secretary deter-
14 mines are appropriate.

15 (d) RECOMMENDATIONS.—The Secretary, in con-
16 sultation with the State departments of transportation
17 and representatives of local governments (including metro-
18 politan planning organizations), shall develop rec-
19 ommendations on a new apportionment method, includ-
20 ing—

21 (1) the factors recommended to be included in
22 the new apportionment method;

23 (2) the weighting recommended to be applied to
24 the factors recommended under paragraph (1); and

1 (3) any other recommendations to ensure that
2 the new apportionment method best achieves an eq-
3 uitable distribution of funds described under sub-
4 section (b)(1) and the goals described in subsection
5 (b)(2).

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