

113TH CONGRESS  
2D SESSION

# S. 2322

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

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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

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## 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 igned 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<sub>2.5</sub> 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           “(i) IN GENERAL.—Of the amounts  
2           made available for administrative expenses  
3           under section 104(a), not less than 4 per-  
4           cent shall be used to carry out this para-  
5           graph.

6           “(ii) USER-BASED ALTERNATIVE REV-  
7           ENUE MECHANISMS.—Of the amounts  
8           made available to carry out this paragraph,  
9           not more than 40 percent shall be used to  
10          carry out 1 of the user-based alternative  
11          revenue mechanisms.”.

12 **SEC. 1122. CONSOLIDATION OF PROGRAMS.**

13          Section 1519(a) of MAP–21 (Public Law 112–141;  
14          126 Stat. 574) is amended in the matter preceding para-  
15          graph (1) by striking “fiscal years 2013 and 2014” and  
16          inserting “fiscal years 2013 through 2020”.

17 **SEC. 1123. STATE FLEXIBILITY FOR NATIONAL HIGHWAY**  
18 **SYSTEM MODIFICATIONS.**

19          (a) NATIONAL HIGHWAY SYSTEM FLEXIBILITY.—  
20          Not later than 90 days after the date of enactment of this  
21          Act, the Secretary shall issue guidance relating to working  
22          with State departments of transportation that request as-  
23          sistance from the division offices of the Federal Highway  
24          Administration—

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 (e), 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)”; and

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)”.

○