

**NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
THE FIXING AMERICA’S SURFACE TRANSPORTATION (FAST) ACT SUMMARY
HR 22 – 114th CONGRESS**

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**THE FIXING AMERICA'S SURFACE TRANSPORTATION (FAST) ACT
HR 22 – 114TH CONGRESS**

DIVISION A – SURFACE TRANSPORTATION

Sec. 1003. Effective Date

Effective October 1, 2015 through September 30, 2020.

TITLE I – FEDERAL-AID HIGHWAYS

This title reauthorizes the Federal-aid Highway Program and highway safety programs through fiscal year 2020, makes policy changes and reforms to the programs and establishes two new freight programs.

Subtitle A – Authorizations and Programs

Sec. 1101. Authorization of Appropriations

The FAST Act creates contract authority for the Federal Highway Administration (FHWA).

Programs of interest and corresponding authorization totals are shown below for fiscal years (FY) 2016-2020, with FY15 as a comparison. Additional funding tables and estimated highway apportionments by each State can be found on the FHWA website at:

<http://www.fhwa.dot.gov/fastact/funding.cfm>.

FAST Act Funding Authorizations – Federal Highway Administration Programs						
Programs	FY15	FY16	FY17	FY18	FY19	FY20
Federal-aid Highway Program	\$37,798,000,000	\$39,727,500,000	\$40,547,805,000	\$41,424,020,075	\$42,358,903,696	\$43,373,294,311
Estimated Split Among Programs:						
National Highway Performance Program	\$21,908,178,122	\$22,332,260,060	\$22,827,910,827	\$23,261,963,879	\$23,741,388,895	\$24,235,621,114
Surface Transportation Block Grant Program (includes TAP below)	\$10,077,074,081	\$11,162,564,768	\$11,424,412,150	\$11,667,786,566	\$11,876,329,314	\$12,136,990,131
Transportation Alternatives Program (TAP now STBGP set-aside)	\$819,900,000	\$835,000,000	\$835,000,000	\$850,000,000	\$850,000,000	\$850,000,000
Highway Safety Improvement Program (HSIP)	\$2,192,406,423	\$2,225,594,512	\$2,275,061,630	\$2,317,759,770	\$2,359,554,152	\$2,407,423,445

FAST Act Funding Authorizations – Federal Highway Administration Programs						
Programs	FY15	FY16	FY17	FY18	FY19	FY20
Estimated Split Among Programs Continued:						
Safety Related Programs (set-aside from HSIP)	\$0	\$3,500,000	\$3,500,000	\$3,500,000	\$3,500,000	\$3,500,000
Railway-Highway Crossings Program	\$220,000,000	\$225,000,000	\$230,000,000	\$235,000,000	\$240,000,000	\$245,000,000
Congestion Mitigation and Air Quality Improvement Program (CMAQ)	\$2,266,889,602	\$2,309,059,935	\$2,360,308,101	\$2,405,187,322	\$2,449,216,207	\$2,498,960,969
Metropolitan Planning Program	\$313,551,772	\$329,270,722	\$335,938,378	\$342,996,446	\$350,360,775	\$358,516,037
National Highway Freight Program	\$0	\$1,140,250,003	\$1,090,673,914	\$1,189,826,092	\$1,338,554,353	\$1,487,282,615
Other Programs:						
TIFIA	\$1,000,000,000	\$275,000,000	\$275,000,000	\$285,000,000	\$300,000,000	\$300,000,000
Nationally Significant Freight and Highway Projects	\$0	\$800,000,000	\$850,000,000	\$900,000,000	\$950,000,000	\$1,000,000,000

Sec. 1104. Apportionment

The FAST Act authorizes \$305 billion from both the Highway Trust Fund (HTF) and the General Fund. It provides \$225 billion in HTF contract authority over five years for the Federal-aid Highway Program. The bill provides \$61 billion for Federal transit programs including \$49 billion in HTF contract authority and \$12 billion in funding from the General Fund. Also provided is \$4.7 billion for the National Highway Traffic Safety Administration and \$3.2 billion for the Federal Motor Carrier Safety Administration. Finally, unlike past surface transportation bills, \$10 billion is authorized for the Federal Railroad Administration and Amtrak.

The bill also includes a \$7,569,000,000 rescission of unobligated balances of contract authority of the States on July 1, 2020. The FAST Act spreads the rescission among States and would be prorated based on the unobligated balances held by states. The Highway Safety Improvement Program (HSIP), Railway-Highway Crossings Program, Metropolitan Planning and suballocated portions of the Surface Transportation Block Grant Program (STBGP) are not subject to the rescission.

**Sec. 1105. Nationally Significant Freight and Highway Projects
New Discretionary Program**

Section 1105 creates a new discretionary grant program for freight projects of national or regional significance. States, groups of states, metropolitan planning organizations (MPOs), local governments, special purpose districts, federal land agencies, Indian tribes or a combination of those, can apply and the United States Department of Transportation (USDOT) Secretary will select the projects. The minimum federal grant size is \$25 million.

Eligible projects must be highway freight projects on the National Highway Freight Network, highway or bridge projects on the National Highway System (NHS), intermodal facilities or grade crossings. The project cost must exceed the lesser of \$100 million or 30 percent of that State’s annual federal highway apportionment. 10 percent of the money is reserved for smaller projects and 25 percent of the grants must be awarded to rural areas.

Grant amounts received for a project may be used for development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, other preconstruction activities, as well as construction, reconstruction, rehabilitation, acquisition of real property, environmental mitigation, construction contingencies, acquisition of equipment and operational improvements directly related to improving system performance.

When making a grant, the USDOT Secretary will also consider utilization of nontraditional financing, innovative design and construction techniques, or innovative technologies, utilization of non-Federal contributions and contributions to geographic diversity among grant recipients. The grant’s share of total project cost is not to exceed 60 percent, which can be supplemented with other federal funds to a maximum of 80 percent federal share.

Funding

FY16	FY17	FY18	FY19	FY20
\$800,000,000	\$850,000,000	\$900,000,000	\$950,000,000	\$1,000,000,000

**Sec. 1106. National Highway Performance Program
Existing Program**

Section 1106 updates the funding eligibility for the National Highway Performance Program (NHPP). NHPP funds can be used to pay Transportation Infrastructure Finance and Innovation Act (TIFIA) Program subsidy, administrative costs used for bridges off the NHS and to address critical infrastructure needs.

Funding

FY16	FY17	FY18	FY19	FY20
\$22,332,260,060	\$22,827,910,827	\$23,261,963,879	\$23,741,388,895	\$24,235,621,114

**Sec. 1108. Railway-Highway Grade Crossings
Existing Program**

Section 1108 amends the amount of funding set aside to railway-highway grade crossings. The Secretary will continue to set-aside a portion of Highway Safety Improvement Program (HSIP) funds for the elimination of hazards and the installation of protective devices at railway-highway crossings, as done in previous law. However, funding for the grade crossings program will increase from the current \$220 million per year by \$5 million each year, from \$225 million in FY

16 and up to a total of \$245 million in FY20. At least half of the funds set aside in each fiscal year will be available for the installation of protective devices at railway-highway crossings.

Funding

FY16	FY17	FY18	FY19	FY20
\$225,000,000	\$230,000,000	\$235,000,000	\$240,000,000	\$245,000,000

Sec. 1109. Surface Transportation Block Grant Program Amended Program

The Surface Transportation Program name is changed to the Surface Transportation Block Grant Program (STBGP) to provide flexible funding to address State and local transportation needs. The list of projects eligible for the Surface Transportation Block Grant Program have been amended. Funds apportioned to a State for the program may be obligated for the following:

- construction of highways, bridges, tunnels, certain ferry boats and terminal facilities, transit capital projects eligible for assistance under chapter 53 of title 49, infrastructure-based intelligent transportation systems capital improvements, truck parking facilities eligible for funding under Section 1401 of MAP-21, and certain border infrastructure projects
- operational improvements and capital and operating costs for traffic monitoring, management, and control facilities and programs
- certain eligible environmental measures and transportation control measures listed in the Clean Air Act
- highway and transit safety infrastructure improvements and programs, including railway-highway grade crossings
- fringe and corridor parking facilities and programs and carpool projects
- recreational trails projects, pedestrian and bicycle projects (including modifications to comply with accessibility requirements under the Americans with Disabilities Act of 1990) and the Safe Routes to School Program
- planning, design, or construction of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways
- development and implementation of a State asset management plan for the National Highway System and a performance-based management program for other public roads
- protection against extreme events for bridges and tunnels on public roads, and inspection and evaluation of bridges and tunnels and other highway assets
- surface transportation planning programs, highway and transit research and development and technology transfer programs, and workforce development, training, and education under Chapter 5 of this title
- surface transportation infrastructure modifications to facilitate direct intermodal interchange, transfer and access into and out of a port terminal
- projects and strategies designed to support congestion pricing, including electronic toll collection and travel demand management strategies and programs
- at the request of a State, subsidy and administrative costs necessary to provide an eligible entity Federal credit assistance under Chapter 6
- the creation and operation by a State of an office to assist in the design, implementation, and oversight of public-private partnerships eligible to receive funding under this title and chapter 53 of title 49, and the payment of a stipend to unsuccessful private bidders to offset their proposal development costs, if necessary to encourage robust competition in public-private partnership procurements

- any type of project eligible under the Transportation Alternatives section as in effect on the day before the date of enactment of the FAST Act

The amount of total STBGP funding sub-allocated to metropolitan areas over 200,000 on the basis of population increases over five years. The allocations of apportioned funds to areas based on population will be calculated based on the following percentages:

- 51 percent for fiscal year 2016
- 52 percent for fiscal year 2017
- 53 percent for fiscal year 2018
- 54 percent for fiscal year 2019
- 55 percent for fiscal year 2020

Transportation Alternatives Program Set-aside

The sections of Title 23 that authorized the Transportation Alternatives Program (TAP) have been repealed, but funds are now set aside under STBGP to be used for what were known as the TAP before the FAST Act was enacted.

Within the STBGP funds apportioned to a State for each fiscal year, the Secretary will reserve \$835,000,000 for each of fiscal years 2016 and 2017 and \$850,000,000 for each of fiscal years 2018 through 2020 for projects under the former TAP program. These funds may be obligated for projects or activities described in the TAP provisions under Title 23 before the enactment of the FAST Act.

TAP funds continue to be allocated 50/50 between States and MPOs. Areas over 200,000 in population may use up to 50 percent of the reserved funds for any purpose under the STBGP. States are required to obligate funds to recreational trails unless the Governor opts out.

Funding

Program	FY16	FY17	FY18	FY19	FY20
Surface Transportation Block Grant Program (Includes TAP set aside)	\$11,162,564,768	\$11,424,412,150	\$11,667,786,566	\$11,876,329,314	\$12,136,990,131
TAP (as a reservation within the STBGP funds)	\$835,000,000	\$835,000,000	\$850,000,000	\$850,000,000	\$850,000,000
MPOs over 200,000 will receive half of the TAP/STBGP set-aside funds allocated to states	\$417,500,000	\$417,500,000	\$425,000,000	\$425,000,000	\$425,000,000

Sec. 1111. Bundling of Bridge Projects

Section 1111 allows states to bundle two or more similar bridge projects and award a single contract for engineering and design or construction. The bundled project may be listed as one project on the Transportation Improvement Program/Statewide Transportation Improvement Program (TIP/STIP).

Sec. 1113. Highway Safety Improvement Program

Existing Program

Section 1113 amends the Highway Safety Improvement Program (HSIP) to make vehicle-to-vehicle communication equipment, pedestrian hybrid beacons and roadway improvements that provide separation between pedestrians and motor vehicles, such as medians and crossing islands, eligible for funding. States are also allowed to opt out of collecting data on gravel public roads.

The USDOT Secretary must conduct a review of commercial motor vehicle safety best practices with respect to the implementation of roadway safety infrastructure improvements that are cost effective and reduce the number of severity of accidents involving commercial motor vehicles. Within one year after the date of enactment of this Act, the Secretary must submit a report to Congress describing the results of the review.

Funding

FY16	FY17	FY18	FY19	FY20
\$2,225,594,512	\$2,275,061,630	\$2,317,759,770	\$2,359,554,152	\$2,407,423,445

Sec. 1114. Congestion Mitigation and Air Quality Improvement Program

Existing Program

Section 1114 amends the Congestion Mitigation and Air Quality Improvement Program (CMAQ) to allow funds to be used for the installation of vehicle-to-infrastructure communication equipment and the purchase of port related freight operations under the PM2.5 set-aside. In States with a population density of 80 or fewer persons per square mile of land area based on the most recent decennial census, an exception is made to the requirement to prioritize funds to projects for PM 2.5 under certain circumstances.

Funding

FY16	FY17	FY18	FY19	FY20
\$2,309,059,935	\$2,360,308,101	\$2,405,187,322	\$2,449,216,207	\$2,498,960,969

Sec. 1116. National Highway Freight Program

New Formula Program

The FHWA Administrator will establish the National Highway Freight Program as part of the core Federal-aid Highway Program structure to improve the efficient movement of freight on the National Highway Freight Network.

The Administrator will establish a National Highway Freight Network with policy and goals. The initial designation of the primary highway freight system will be the 41,518-mile network identified during the designation process for the primary freight network in MAP-21. In addition, the National Highway Freight Network will consist of a primary highway freight system, critical rural freight corridors, critical urban freight corridors and the portions of the Interstate System not already designated as part of the primary highway freight system.

After five years, the Administrator will redesignate the primary highway freight system every five years, but cap the increase in mileage to not more than three percent of the total system. A process for redesignation is established. In redesignating the primary highway freight system, the Administrator will consider the following:

- changes in the origins and destinations of freight movement in, to, and from the United States

- changes in the percentage of annual daily truck traffic in the annual average daily traffic on principal arterials
- changes in the location of key facilities
- land and water ports of entry
- access to energy exploration, development, installation, or production areas,
- access to other freight intermodal facilities, including rail, air, water, and pipelines facilities
- the total freight tonnage and value moved via highways
- significant freight bottlenecks, as identified by the Administrator
- the significance of goods movement on principal arterials, including consideration of global and domestic supply chains
- critical emerging freight corridors and critical commerce corridors
- network connectivity

The criteria to designate critical rural and urban corridors is established under this section. In an urbanized area with a population of 500,000 or more individuals, the MPO, in consultation with the State, may designate a public road in the State as a critical urban freight corridor. In an urbanized area with a population of less than 500,000 individuals, the State, in consultation with the MPO, may designate a public road in the State as a critical urban freight corridor.

The requirements for urban designations are also established. A designation may be made if the public road is in an urbanized area and 1) connects an intermodal facility to the primary highway freight system, the Interstate System or an intermodal freight facility, 2) is located within a corridor of a route on the primary highway freight system and provides an alternative highway option important to goods movement, 3) serves a major freight generator, logistic center, or manufacturing and warehouse industrial land, or 4) is important to the movement of freight within the region, as determined by the MPO or the State. For each State, a maximum of 75 miles of highway or 10 percent of the primary highway freight system mileage in the State, whichever is greater, may be designated as a critical urban freight corridor.

States may use funding to improve freight mobility on the network. The Administrator will calculate each State's proportion of the primary highway freight system based on mileage in a State. If a State's proportion is greater than or equal to two percent, the State may obligate funds apportioned to the State for projects on the primary highway freight system and critical rural and urban corridors. In States with less than two percent of the miles, the State may obligate funds for any component of the National Highway Freight Network.

States are required to develop a freight plan within two years or lose the ability to obligate funds. Project eligibility is defined as being able to contribute to the efficient movement of freight on the National Highway Freight Network and to be identified in a freight investment plan included in a freight plan of the State that is in effect.

Each fiscal year, a State may obligate no more than ten percent of the total apportionment of the state for freight rail projects or freight intermodal projects. Uses of the funds are further defined as development phase activities, preliminary engineering and design, other preconstruction activities, construction, Intelligent Transportation Systems (ITS), reduction of environmental impacts and many other activities that improve the flow of freight into and out of a facility.

Funding

FY16	FY17	FY18	FY19	FY20
\$1,140,250,003	\$1,090,673,914	\$1,189,826,092	\$1,338,554,353	\$1,487,282,615

Sec. 1122. State Flexibility for National Highway System Modifications

In Section 1122, USDOT is directed to issue guidance within 90 days to States on the reclassification of roads recently added to the NHS per MAP-21 and to identify any needed functional classification changes to rural and urban principal arterials.

Subtitle B – Planning and Performance Management

Sec. 1201. Metropolitan Transportation Planning

Existing Program

Section 1201 amends current law by directing planners to consider new planning factors. The Transportation Plan and TIP for each metropolitan area are amended by directing planners to consider intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers. Planners must also include considerations of resiliency and responsiveness to natural disasters.

Tourism and natural disaster risk reduction are added in MPO consultation in Plan and TIP coordination. MPOs are encouraged to consult with State agencies that plan for tourism and natural risk reduction. System resiliency and reliability and reducing or mitigating storm-water impacts on surface transportation are added as new planning factors.

MAP-21 language that required representation by providers of public transportation in each MPO that serves a transportation management area has been clarified. Designation or selection of officials or representatives will be determined by the MPO according to the bylaws or enabling statute of the organization. A public transportation representative may also serve as a representative of a local municipality, subject to the bylaws or enabling statute of the MPO.

A new optional Congestion Management Plan is also added, in addition to the currently required Congestion Management Process. An MPO serving a transportation management area may develop a plan that includes projects and strategies that will be considered in the MPO's TIP. Such a plan must

- 1) Develop regional goals to reduce vehicle miles traveled during peak commuting hours and improve transportation connections between areas with high job concentration and areas with high concentrations of low-income households;
- 2) Identify existing public transportation services, employer-based commuter programs and other existing transportation services that support access to jobs in the region; and
- 3) Identify proposed projects and programs to reduce congestion and increase job access opportunities.

In developing the Transportation Plan, an MPO shall consult with employers, private and nonprofit providers of public transportation, transportation management organizations and organizations that provide job access reverse commute projects or job-related services to low-income individuals.

Funding

FY16	FY17	FY18	FY19	FY20
\$329,270,722	\$335,938,378	\$342,996,446	\$350,360,775	\$358,516,037

Sec. 1202. Statewide and Nonmetropolitan Transportation Planning

Similar changes as above in the Metropolitan Transportation Planning Section 1201. Current law is amended to direct planners to consider intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers, public ports, travel and tourism, as well as include considerations of resiliency and responsiveness to natural disasters. Private transportation should include consideration of intercity bus operators and employer-based commuting programs.

Subtitle C – Acceleration of Project Delivery

Sec. 1304. Efficient Environmental Reviews for Project Decision Making

Section 1304 redefines the term “multimodal project” as a project that requires the approval of more than one USDOT operating administration or secretarial office. Redefines the term “project” as any highway project, public transportation capital project or multimodal project that, if implemented as proposed by the project sponsor, would require approval by any operating administration or secretarial office within the USDOT and adds consideration of Federal funding or financing.

The deadline for a lead agency to identify participating agencies is changed from “as early as practicable in the environmental review process” to a 45-day deadline from the date of publication of a notice of intent to prepare an Environmental Impact Statement (EIS) or Environmental Assessment (EA).

An operating administration of USDOT is allowed to be the lead agency and the role of the lead agency is expanded to consider and respond to comments from participating agencies with special expertise. The lead agency is required to develop an environmental document sufficient to satisfy the requirements for any Federal approval or other Federal action required for the project, including permits. Other participating agencies must cooperate with the lead agency and provide timely information. An agency participating in the process must provide comments, responses, studies or methodologies on the areas within the agency’s expertise or jurisdiction.

Language is added for the project sponsor to notify the Secretary about any additional information the sponsor considers to be important to the project. The Secretary has 45 days, after receiving a notification from the sponsor to initiate a review, to provide a written response to a project sponsor in the decision to proceed, decline or request additional information.

Language is added addressing reducing duplication in the evaluation process. The lead agency is allowed to eliminate an alternative proposed in an environmental impact statement and list the potential reasons for elimination.

A lead agency must prepare an EIS or initiate an EA no later than 90 days after publication of the notice of intent (NOI). The lead agency is required to establish a schedule of completion of the environmental review process as part of its coordination plan.

A new paragraph titled, “Accelerated decision making in environmental reviews” is added and allows the lead agency to use errata sheets rather than requiring draft EIS when modifying a response to minor comments and factual corrections. The lead agency is required to develop a single document that consists of a final EIS and a record of decision (ROD). A Federal agency participating in the process is required to provide information to the Secretary on the status and progress of the approval of the project for online publication. State and local agencies

participating the process are encouraged to provide information regarding the status and approval of the project to be published online.

Sec. 1305. Integration of Planning and Environmental Review

Section 1305 defines a planning product as a decision, analysis, study or other documented information that is the result of an evaluation or decision making process carried out by an MPO or a State during metropolitan or statewide transportation planning. Agencies meeting certain requirements are now allowed to adopt or incorporate by reference and use a planning product in proceedings relating to any class of action in the environmental review process of the project. Agencies meeting certain requirements are allowed to adopt or incorporate by reference an entire planning product or select portions of a planning project.

The relevant agency in the environmental review process may adopt or incorporate by reference a planning product under this section if the relevant agency determines the planning product is necessary for a cooperating agency to issue a permit, review, or approval for the project, with the concurrence of the cooperating agency. Any planning product adopted or incorporated by reference by the relevant agency in accordance with this section may be 1) incorporated directly into an environmental review process document or other environmental document and 2) relied on and used by other Federal agencies in carrying out reviews of the project.

Sec. 1308. Surface Transportation Project Delivery Program

Section 1308 allows a State to provide the Secretary any information considered reasonably necessary, instead of necessary. A State can assume responsibility in lieu of the responsibilities of the Secretary with respect to one or more highway projects within the State under the National Environmental Policy Act of 1969, and without further approval of the Secretary. The Secretary can carry out education, training and other initiatives with cooperation of State officials. A State is granted authority to act on behalf of a local government on a locally administered project and outlines such responsibilities.

Sec. 1309. Program for Eliminating Duplication of Environmental Reviews

Section 1309 adds a new program for eliminating duplication of environmental reviews. The Secretary will establish a pilot program to authorize five States, selected by the Secretary, to conduct environmental reviews and make approvals for projects. A State that is participating in the program is allowed to apply the NEPA process, instead of the alternative environmental review and approval procedures of the State. Federal agencies with project authority will adopt or incorporate documents produced by the participating State. States with an approved program can exercise authority on behalf of up to 25 local governments for local administered projects. The program will terminate 12 years after enactment of this section.

Sec. 1311. Accelerated Decision Making in Environmental Reviews

Section 1311 amends current law by adding "Accelerated Decision Making in Environmental Reviews." In preparing a final environmental impact statement under NEPA, when a lead agency modifies the statement in response to comments that are minor, the lead agency may write on errata sheets attached to the statement, instead of rewriting the draft statement.

The lead agency must expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, and lists the exceptions. The process for avoiding duplication of documents is outlined further in this section.

Within 180 days, the Secretary must issue guidance to implement this section.

Sec. 1313. Aligning Federal Environmental Reviews

Within one year, the USDOT must develop a coordinated and concurrent environmental review and permitting process for transportation projects when initiating an environmental impact statement under NEPA.

Within 90 days, the Secretary and Federal agencies of jurisdiction likely to have substantive review or approval responsibilities on transportation projects must jointly develop a checklist to help project sponsors identify potential natural, cultural and historic resources in the area of a proposed project.

Consistent with Federal environmental statutes, the Secretary must facilitate annual interagency collaboration sessions at the appropriate jurisdictional level to coordinate business plans and facilitate coordination of workload planning and workforce management.

Within one year, the Secretary must establish a program to measure and report on progress toward aligning Federal reviews and reducing permitting and project delivery time.

Within two years and biennially thereafter, the Secretary must submit a progress report to Congress.

Sec. 1316. Assumption of Authorities

Under Section 1316, the Secretary will allow a State to assume the responsibilities of the Secretary for project design, plans, specifications, estimates, contract awards and inspection of projects, on both a project-specific and programmatic basis.

No later than 18 months after enactment of this Act, the Secretary, in cooperation with the States, must submit recommendations for legislation to permit the assumption of additional authorities by States, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

Sec. 1317. Modernization of the Environmental Review Process

Within 180 days, the Secretary must examine ways to modernize, simplify and improve the implementation of the NEPA process. The Secretary must submit a Congressional report describing the results of the report.

Subtitle D – Miscellaneous

Sec. 1401. Prohibition on the use of funds for automated traffic enforcement

Section 1401 prohibits any federal HSIP money apportioned for FY16-20 from being used to purchase, operate or maintain an automated traffic enforcement system.

Sec. 1402. Highway Trust Fund transparency and accountability

Within 180 days, USDOT must implement requirements for semiannual reporting to the public of state highway obligations, balances and spending rates of HTF apportionments.

Sec. 1403. Additional Deposits into Highway Trust Fund

If any additional laws are enacted after the enactment of the FAST Act that makes special deposits into the HTF, the money will be added to highway and transit formula programs, prorated and automatically made available for obligation.

Sec. 1404. Design Standards

Section 1404 permits local jurisdictions to use design standards that differ from a State's under certain circumstances.

Sec. 1407. Vehicle-to-Infrastructure Equipment

Section 1407 makes the installation of vehicle-to-vehicle communication equipment eligible for NHPP and STBGP.

Sec. 1408. Federal Share Payable

Section 1408 amends current law to add engineering or design approaches to innovative project delivery for 100 percent federal share category and adds additional examples to the list of innovative methods.

Sec. 1411. Tolling; HOV facilities; Interstate Reconstruction and Rehabilitation

Section 1411 provides over-the-road buses the same access to high occupancy vehicle (HOV) facilities as public transportation buses.

Greater tolling of HOV facilities by public authorities is allowed and a three-year sunset on toll pilot project applications provisionally approved by USDOT is set. The application may be approved if any part of the application met the deadline.

MPOs must be consulted if tolls are placed on high occupancy vehicle tolled facilities on an Interstate in its planning area.

A state must have approved enabling legislation before it can participate in the current Interstate System Reconstruction and Rehabilitation Pilot program. An application provisionally approved by the Secretary will expire unless certain conditions are met, but the Secretary may extend the provisional approval for up to one additional year if the State demonstrates material progress toward implementation of the project.

Sec. 1413. National Electric Vehicle Charging and Hydrogen, Propane, and Natural Gas Fueling Corridors

Section 1413 directs USDOT to designate national electric vehicle charging, hydrogen, propane and natural gas fueling corridors within one year. In designating the corridors, the Secretary shall solicit nominations from State and local officials for facilities to be included in the corridors, incorporate existing charging and fueling corridors designated by a State or group of States and consider the demand for, and location of, existing electric vehicle charging stations, hydrogen fueling stations, propane fueling stations and natural gas fueling infrastructure. The Secretary will also involve stakeholders on a voluntary basis. After five years, and every five years thereafter, the Secretary will update and redesignate the corridors.

The Administrator of General Services is allowed to install, construct, operate and maintain battery charging stations for Federal employees in Federal employee private vehicle parking lots.

Sec. 1427. Highway Work Zones

It is the sense of Congress that the Federal Highway Administration should do all within its power to protect workers in highway work zones and move rapidly to finalize regulations to protect the lives and safety of construction workers in highway work zones from vehicle intrusions.

Sec. 1430. Use of Modeling and Simulation Technology

It is the sense of Congress that the Department should utilize, to the fullest and most economically feasible extent practicable, modeling and simulation technology to analyze highway and public transportation projects authorized by this Act to ensure that these projects will increase transportation capacity and safety, alleviate congestion, reduce travel time and environmental impacts, and are as cost effective as practicable.

Sec. 1431. National Advisory Committee on Travel and Tourism Infrastructure

Within 180 days, the Secretary must establish an advisory committee to be known as the National Advisory Committee on Travel and Tourism Infrastructure to provide information, advice, and recommendations to the Secretary on matters relating to the role of intermodal transportation in facilitating mobility related to travel and tourism activities.

Sec. 1437. Border State Infrastructure

After consultation with relevant transportation planning organizations, the Governor of a State that shares a land border with Canada or Mexico may designate for each fiscal year no more than five percent of the funds made available to the State for border infrastructure projects.

Sec. 1438. Adjustments

On July 1, 2020, a rescission of \$7,569,000,000 in unobligated balances of contract authority of the States would take place. The Highway Safety Improvement Program, Railway-Highway Crossings Program, Metropolitan Planning and suballocated portions of the Surface Transportation Block Grant Program are not subject to the rescission, along with safety-related apportionments. The rescission amounts would be prorated based on the unobligated balances held by States on September 30, 2019, and within each State, the amount will be proportionately applied to each program based on the unobligated balances in that program at the time.

Sec. 1442. Safety for Users

The Secretary shall encourage each State and MPO to adopt standards for the design of Federal surface transportation projects that provide for the safe and adequate accommodation of all users of the surface transportation network, including motorized and nonmotorized users, in all phases of project planning, development and operation.

Within two years, the Secretary must make a report available to the public cataloging examples of State law or State transportation policy that provide for the safe and adequate accommodation of all users of the surface transportation network, in all phases of project planning, development and operation.

Based on the report, the Secretary must identify and disseminate examples of best practices where States have adopted measures that have successfully provided for the safe and adequate accommodation of all users of the surface transportation network in all phases of project planning, development and operation.

TITLE II – INNOVATIVE PROJECT FINANCE

This title makes modifications to the TIFIA program.

Sec. 2001. Transportation Infrastructure Finance and Innovation Act of 1998 Amendments (TIFIA) Existing Program

Section 2001 adds modifications to expand access to the TIFIA program to rural areas and small projects. Current law is amended to add capitalizing a rural project fund under eligible project costs. The definition for rural infrastructure project is expanded to encompass a project located in an area outside of an urbanized area with a population greater than 150,000 individuals. Assistance to small projects is added to eligible projects with costs equal or exceeding \$75,000,000. Transit-oriented development (TOD) projects are also now eligible to apply for TIFIA loans.

USDOT is directed to establish a streamlined application process for use by an eligible applicant under certain circumstances. The ability of a state to capitalize their state infrastructure bank with their federal-aid highway funds for FY16-20 is reinstated.

Funding

FY16	FY17	FY18	FY19	FY20
\$275,000,000	\$275,000,000	\$285,000,000	\$300,000,000	\$300,000,000

TITLE III – PUBLIC TRANSPORTATION

This title reauthorizes the programs of the Federal Transit Administration (FTA) through fiscal year 2020 and includes reforms aimed at improving mobility, streamlining capital project construction and acquisition, as well as works to increase the safety of public transportation systems.

Sec. 3001. Short Title

This title may be cited as the Federal Public Transportation Act of 2015.

Sec. 3003. Metropolitan and Statewide Transportation Planning

Similar to Section 1201 Metropolitan Transportation Planning under the Highway title of this Act, MAP-21 language that required representation by providers of public transportation in each MPO that serves a transportation management area has been clarified. Designation or selection of officials or representatives will be determined by the MPO according to the bylaws or enabling statute of the organization.

Again, similar to Section 1201, an optional Congestion Management Plan may be included in the TIP. The plan will develop regional goals that reduce vehicle miles traveled (VMT) during peak commuting hours, improve connections between people and jobs and identify proposed projects and programs that reduce congestion.

Funding

	FY16	FY17	FY18	FY19	FY20
Metropolitan Transportation Planning (5303)	\$108,141,510	\$110,347,597	\$112,664,897	\$115,053,393	\$117,492,524
Statewide Trans Planning (5304)	\$22,590,490	\$23,051,336	\$23,535,414	\$24,034,364	\$24,543,893
Planning Programs Total (5305)	\$130,732,000	\$133,398,933	\$136,200,310	\$139,087,757	\$142,036,417

Sec. 3004. Urbanized Area Formula Grants

Section 3004 amends current law to create an exception to the urbanized area formula grants that allows for partnerships between public transportation systems. The exception to the rule will permit operating assistance within the urbanized area to allow two or more systems to allocate funds for operations under a written agreement. Facilities and equipment must also be maintained in accordance with the recipient's transit asset management plan.

Funding

FY16	FY17	FY18	FY19	FY20
\$4,538,905,700	\$4,629,683,814	\$4,726,907,174	\$4,827,117,606	\$4,929,452,499

Sec. 3005. Fixed Guideway Capital Investment Grants

Section 3005 amends current law by striking the requirement that corridor based bus rapid transit (BRT) operate short headway bidirectional service for a part of weekend days.

The definition of program of interrelated projects is amended to include Small Starts projects. The definition of Small Starts is amended to increase the federal assistance up to \$100 million and increase the total net capital costs to \$300 million.

Current law is amended to introduce an early rating procedure for fixed guideway capital investment grants. The federal share of a full funding grant agreement for a new fixed guideway capital project is changed to 60 percent and the remaining costs locations are defined. Grants are provided for joint public transportation and intercity passenger rail projects.

A pilot program is introduced that streamlines regulatory steps for up to eight grants for new fixed guideway capital projects, core capacity improvement projects or small start projects seeking a Federal funding level of 25 percent or less.

Funding

FY16	FY17	FY18	FY19	FY20
\$2,301,785,760	\$2,301,785,760	\$2,301,785,760	\$2,301,785,760	\$2,301,785,760

Sec. 3006. Enhanced Mobility of Seniors and Individuals with Disabilities

Introduces a pilot program to provide grants for innovative projects that improve the coordination of transportation services and non-emergency medical transportation, including the deployment of technology. Directs the Interagency Transportation Coordinating Council to create a strategic plan that outlines the role and responsibilities of each federal agency with respect to local transportation, identify areas of collaboration and address recommendations made by the report.

Funding

	FY16	FY17	FY18	FY19	FY20
Enhanced Mobility of Seniors and Individuals with Disabilities	\$262,949,400	\$268,208,388	\$273,840,764	\$279,646,188	\$285,574,688
Pilot Program for Enhanced Mobility	\$2,000,000	\$3,000,000	\$3,250,000	\$3,500,000	\$3,500,000

Sec. 3008. Public Transportation Innovation

Section 3008 directs the Secretary to provide assistance for projects and activities that advance innovative public transportation research and development. The Secretary is directed to select at least one facility to engage in research associated with low or no emission vehicles.

Sec. 3009. Technical Assistance and Workforce Development

Section 3009 allows the Secretary to make grants, contracts and agreements for programs that will assist recipients of public transportation with more effective and improved service. The Secretary is directed to establish a competitive grant program to assist in the development of innovative workforce development. The Secretary will also establish a national transit institute and award grants to a public four-year degree-granting institution of higher education in order to carry out the duties of the institute.

Sec. 3011. General Provisions

Section 3011 amends the current Buy America waiver provision to include rolling stock manufactures that procure iron and steel produced in the US, to include the cost of that iron and steel in the domestic content calculation, when the iron or steel is used in the rolling stock frames or cars. If the Secretary denies a Buy America waiver, the Secretary must issue written certification that the steel, iron or manufactured goods are produced in America in a sufficient and reasonably available amount.

Sec. 3013. Public Transportation Safety Program

Section 3013 provides the Secretary with increased authority to assist public transportation systems and the State with safety needs.

Sec. 3015. State of Good Repair Grants

Section 3015 states that a grant for a capital project under this section shall be for 80 percent of the net project cost. The remainder of the net project cost shall be provided in cash from non-Government sources, from revenues derived from the sale of advertising and concessions, or from an undistributed cash surplus, a replacement or depreciation cash fund or reserve or new capital.

Funding

FY16	FY17	FY18	FY19	FY20
\$2,507,000,000	\$2,549,007,000	\$2,593,700,000	\$2,638,400,000	\$2,683,800,000

Sec. 3016. Authorizations

The table below shows the funds available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5335, 5337, 5339, and 5340, section 20005(b) of the Federal Public Transportation Act of 2012 and sections 3006(b) of the Federal Public Transportation Act of 2015.

FAST Act Funding Authorizations – FTA Programs						
	FY15	FY16	FY17	FY18	FY19	FY20
Formula and Bus Grant Programs	\$8,595,000,000	\$9,347,604,639	\$9,534,706,043	\$9,733,353,407	\$9,939,380,030	\$10,150,348,462
Estimated Split Among Programs:						
Planning Programs (5305)	\$128,800,000	\$130,732,000	\$133,398,933	\$136,200,310	\$139,087,757	\$142,036,417
Urbanized Area Formula Grants (5307)	\$4,458,700,00	\$4,538,905,700	\$4,629,683,814	\$4,726,907,174	\$4,827,117,606	\$4,929,452,499

FAST Act Funding Authorizations – FTA Programs						
	FY15	FY16	FY17	FY18	FY19	FY20
Estimated Split Among Programs Continued:						
Elderly/ Disabled (5310)	\$258,300,000	262,949,400	268,208,388	\$273,840,764	\$279,646,188	\$285,574,688
Mobility of Seniors/ Disabled Pilot Program (5310)	\$0	\$2,000,000	\$3,000,000	\$3,250,000	\$3,500,000	\$3,500,000
Rural Formal Grants (5311)	\$607,800,000	\$619,956,000	\$632,355,120	\$645,634,578	\$659,322,031	\$673,299,658
Transit Research (5312)	\$0	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000
Bust Testing Facility (5318)	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000
National Transit Database (5335)	\$3,900,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000
State of Good Repair Grants (5337)	\$2,165,900,000	\$2,507,000,000	\$2,549,007,000	\$2,593,700,000	\$2,638,400,000	\$2,683,800,000
Bus and Bus Facility Grants (5339)	\$427,800,000	\$695,800,000	\$719,956,000	\$747,033,476	\$777,024,469	\$808,653,915
Fast Growth/High Density (5340)	\$525,900,000	\$536,261,539	\$544,433,788	\$552,783,547	\$561,315,120	\$570,032,917
Other Programs:						
Capital Investment Grants (5309)	\$2,120,000,000	\$2,301,785,760	\$2,301,785,760	\$2,301,785,760	\$2,301,785,760	\$2,301,785,760
Positive Train Control Grants	\$0	\$0	\$199,000,000	\$0	\$0	\$0

Sec. 3017. Grants for Buses and Bus Facilities

Section 3017 allows the Secretary to make grants to assist eligible recipients in financing capital projects to replace, rehabilitate and purchase buses and related equipment, including technological changes or innovations to modify low or no emission vehicles or facilities and to construct bus-related facilities. Eligible recipients are designated recipients that allocate funds to fixed route bus operators or State or local governmental entities that operate fixed route bus service.

Current law is amended to allow recipients in a specific State to pool their formula funds to allow for the accommodation of larger scale procurements. For each of fiscal years 2016 through 2020, the Secretary will carry out a pilot program under which an eligible recipient in an urbanized area with population between 200,000 and 999,999 may elect to participate in a State pool.

The Bus and Bus Facilities Competitive Grant program is reinstated to assist in the financing of buses and bus facilities capital projects, including replacing, rehabilitating, purchasing or leasing buses or related equipment and rehabilitating, purchasing, constructing or leasing bus-related facilities. The Secretary will consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities. States are allowed to submit statewide applications for bus needs, allowing the state to distribute competitively awarded funds. Grant requirements include a 10 percent rural set-aside and a cap that not more than 10 percent of all grant amounts can be awarded to a single grantee.

The Secretary can make low or no emission grants to recipients to finance to a project or eligible program of projects in an eligible area for:

- acquiring low or no emission vehicles
- leasing low or no emission vehicles
- acquiring low or no emission vehicles with a leased power source
- constructing facilities and related equipment for low or no emission vehicles
- leasing facilities and related equipment for low or no emission vehicles
- constructing new public transportation facilities to accommodate low or no emission vehicles
- rehabilitating or improving existing public transportation facilities to accommodate low or no emission vehicles

Funding

	FY16	FY17	FY18	FY19	FY20
Bus and Bus Facilities Formula Grants	\$427,800,000	\$436,356,000	\$445,519,476	\$454,964,489	\$464,609,736
Bus and Bus Facilities Competitive Grants	\$268,000,000	\$283,600,000	\$301,514,000	\$322,059,980	\$344,044,179

Sec. 3020. Review of Public Transportation Safety Standards

Section 3020 directs the Secretary to review the safety standards used in United States transit. The Secretary will evaluate the need to establish additional federal minimum public transit safety standards and to make a comprehensive set of recommendations to improve the safety of the public transportation industry.

Sec. 3023. Paratransit System under FTA Approved Coordinated Plan

Section 3023 permits any paratransit system currently coordinating complementary paratransit service for more than 40 fixed route agencies to continue using an existing tiered, distance-based coordinated paratransit fare system.

Sec. 3028. Authorization of Grants for Positive Train Control

Section 3028 authorizes \$199 million from the Mass Transit Account of the Highway Trust Fund in FY17 for installation of positive train control (PTC). Funds are to be awarded competitively with 80 percent federal share and only recipients of funds under transit are eligible.

Funding

FY16	FY17	FY18	FY19	FY20
\$0	\$199,000,000	\$0	\$0	\$0

TITLE IV – HIGHWAY TRAFFIC SAFETY

This title makes reforms to existing law to help keep drivers, pedestrians and roads safer.

Sec. 4001. Authorization of Appropriations

Section 4001 reauthorizes highway traffic safety programs administered by the National Highway Traffic Safety Administration (NHSTA) through FY 2020.

Sec. 4002. Highway Safety Programs

Section 4002 requires States that have an automated traffic enforcement system to use apportioned funds to conduct a biennial online survey about the system.

The Secretary, in coordination with the Governors Highway Safety Association, will develop procedures to allow States to submit highway safety plans in electronic form.

Sec. 4005. National Priority Safety Programs

Section 4005 allocates funding to the following programs: Occupant Protection, State Traffic Safety Information System Improvements, Impaired Driving Countermeasures, Distracted Driving, Motorcyclist Safety, State Graduated Driver Licensing Laws and Nonmotorized Safety.

TITLE V – MOTOR CARRIER SAFETY

This title includes reforms to improve truck and bus safety.

Subtitle A – Motor Carrier Safety Grant Consolidation

Sec. 5101. Grants to States

Section 5101 creates a motor carrier safety assistance program where the Secretary will prescribe procedures for a State to submit a multiple-year plan and update the plan annually. The State agrees to assume responsibility for improving motor carrier safety by adopting and enforcing State regulations, standards and orders that are compatible with the regulations, standards and orders of the Federal Government on commercial motor vehicle safety and hazardous materials transportation safety.

The Secretary will establish an innovative technology deployment grant program to make discretionary grants to eligible States for the innovative technology deployment of commercial motor vehicle information systems and networks.

The Secretary will administer a commercial motor vehicle operator grant program.

Sec. 5103. Authorization of Appropriations

Section 5103 authorizes the programs of the Federal Motor Carrier Safety Administration (FMCSA) through FY 2020. The Act also authorizes a new testing method to detect the use of drugs and alcohol by commercial motor vehicle drivers.

TITLE VI – INNOVATION

This title reauthorizes the programs for the research activities of the USDOT through fiscal year 2020 and includes provisions to promote innovations and the use of transportation technology.

Sec. 6001. Short title.

Section 6001 defines this title as the Transportation for Tomorrow Act of 2015.

Sec. 6002. Authorization of appropriations.

Section 6002 reauthorizes the programs for the research activities of the USDOT through fiscal year 2020.

Sec. 6004. Advanced Transportation and Congestion Management Technologies Deployment

Within six months, the Secretary must establish an advanced transportation and congestion management technologies deployment initiative to provide grants to eligible entities to develop model deployment sites for large scale installation and operation of advanced transportation technologies to improve safety, efficiency, system performance and infrastructure return on investment.

Sec. 6020. Surface Transportation System Funding Alternatives

The Secretary will establish a program to provide grants to states to demonstrate user-based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the Highway Trust Fund.

Sec. 6028. Performance Management Data Support Program

The Federal Highway Administrator must develop, use and maintain data sets and data analysis tools to assist metropolitan planning organizations, States and the Federal Highway Administration in carrying out performance management analyses, including the performance management requirements.

TITLE VIII – MULTIMODAL FREIGHT TRANSPORTATION

Sec. 8001. Multimodal Freight Transportation

Section 8001 amends current national multimodal freight policy by directing the Under Secretary of Transportation for Policy to oversee and implement a national multimodal freight policy and objectives. Within two years, the Under Secretary must develop a national freight strategic plan and publish the plan on the USDOT website.

The Under Secretary must also establish a National Multimodal Freight Network that includes the National Highway Freight Network, the freight rail systems of Class I railroads, public ports, the inland and intracoastal waterways of the US, the Great Lakes, the St. Lawrence Seaway, the 50 airports with the highest annual landed weight and other strategic freight assets.

The Under Secretary will solicit input from stakeholders, transportation providers, metropolitan planning organizations, local governments, ports, airports, railroads and States through a public process to identify critical freight facilities and corridors. No later than five years after the initial designation and every five years thereafter, the Under Secretary, must redesignate the National Multimodal Freight Network.

The Secretary of Transportation will encourage each State to establish a freight advisory committee consisting of a representative cross-section of public and private sector freight stakeholders, including representatives of ports, freight railroads, shippers, carriers, freight-related associations, third-party logistics providers, the freight industry workforce, the transportation department of the State and local governments. States will also develop a freight plan that provides a comprehensive plan for the immediate and long-range planning activities and investments of the State with respect to freight.

Within one year, the Secretary must begin development of new tools and improvement of planning tools and methodologies.

Nothing in this subtitle provides additional authority to regulate or direct private activity on freight networks.

TITLE IX – NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

Sec. 9001 National Surface Transportation and Innovative Finance Bureau

Section 9001 creates the National Surface Transportation and Innovative Finance Bureau, within USDOT, to run the TIFIA, RRIF, and the National Significant Freight and Highway Projects Program. The Secretary will eliminate any USDOT office that is made redundant by the creation of the bureau.

TITLE XI – RAIL

Subtitle A – Authorizations

Sec. 11101. Authorization of Grants to Amtrak

Program	FY16	FY17	FY18	FY19	FY20
Amtrak Activities with the Northeast Corridor	\$450,000,000	\$474,000,000	\$515,000,000	\$557,000,000	\$600,000,000
Amtrak Activities with the National Network	\$1,000,000,000	\$1,026,000,000	\$1,085,000,000	\$1,143,000,000	\$1,200,000,000

Subtitle B – Amtrak Reforms

Sec. 11201. Accounts

Within 180 days, the Secretary of Transportation must define an account structure and improvements to accounting methodologies to support the Northeast Corridor and the National Network.

Within one year, Amtrak must implement any account structures and improvements so that Amtrak is able to produce profit and loss statements for each of the business lines. No later than one month after the implementation and monthly thereafter, Amtrak must submit updated profit and loss statements for each of the business lines and asset categories to the Secretary.

For the purposes of account management, Amtrak may transfer funds between the Northeast Corridor account and National Network account without prior notification and approval if they would not materially affect Amtrak's ability to meet its goals or violate grant agreements.

Sec. 11204. State-Supported Route Committee

Within 180 days, the Secretary of Transportation must establish the State-Supported Route Committee to promote mutual cooperation and planning pertaining to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-supported routes.

Sec. 11206. Route and Service Planning Decisions

Within 180 days, Amtrak must obtain the services of an independent entity to develop and recommend objective methodologies to use in determining what intercity rail passenger

transportation routes and services it should provide, including the establishment of new routes, the elimination of existing routes and the contraction or expansion of services.

Within one year, Amtrak must transmit the recommendations to Congress. No later than 90 days after the recommendations are transmitted, the Amtrak Board of Directors must consider the adoption of each recommendation and transmit a report to Congress explaining the reasons for adopting or not adopting each recommendation.

Sec. 11212. Station Development

Within one year, Amtrak must submit a report to Congress that describes the options to enhance economic development and accessibility of and around Amtrak stations and terminals and options for additional Amtrak stops that would have a positive incremental financial impact to Amtrak.

Subtitle C – Intercity Passenger Rail Policy

Sec. 11301. Consolidated Rail Infrastructure and Safety Improvements

Section 11301 creates a competitive grant program for the improvement of passenger and freight rail transportation. The Secretary may make grants under this section to an eligible recipient to assist in financing the cost of improving passenger and freight rail transportation systems in terms of safety, efficiency or reliability. Applicants can be states, groups of states, interstate compacts, political subdivisions of states, Amtrak, Class II or III railroads or rail labor unions.

Sec. 11302. Federal-State Partnership for State of Good Repair

The Secretary must develop and implement a program for issuing grants on a competitive basis to applicants to fund capital projects that reduce the State of Good Repair backlog. Projects eligible for grants include capital projects to replace or rehabilitate qualified railroad assets.

Sec. 11303. Restoration and Enhancement Grants

Section 11303 creates a new competitive grant program for operating assistance grants for the purpose of initiating, restoring or enhancing intercity rail passenger transportation.

Sec. 11315. Miscellaneous Provisions

Section 11315 amends current law to require State rail plans to be resubmitted every four years instead of every five years, adds a maglev project that is capable of safe public use in excess of 240 mph to be eligible for Railroad Rehabilitation and Improvement Financing (RRIF) loan assistance if all qualifications are met, and clarifies the USDOT Secretary's ability to approve or disapprove revised PTC implementation plans.

Subtitle D – Safety

Sec. 11401. Highway-Rail Grade Crossing Safety

Within one year, the Administrator of the Federal Railroad Administration must develop a model of a State-specific highway-rail grade crossing action plan and distribute the plan to each State. Within 18 months after the Administrator develops a grade crossing plan and distributes the model plan, the Administrator must promulgate a rule that requires each State to develop and implement a State highway-rail grade crossing action plan.

Sec. 11402. Private Highway-Rail Grade Crossings

The Secretary, in consultation with railroad carriers, must conduct a study to determine whether limitations or weaknesses exist regarding the availability and usefulness for safety purposes of data on private highway-rail grade crossings and evaluate existing engineering practices on private highway- rail grade crossings.

Sec. 11404. Positive Train Control at Grade Crossings Effectiveness Study

The Secretary must conduct a study of the possible effectiveness of positive train control and related technologies on reducing collisions at highway-rail grade crossings and submit a report containing the results of the study to Congress.

Sec. 11406. Speed Limit Action Plans

Within 90 days, each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation, in consultation with any applicable host railroad carrier, must survey its entire system and identify each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve, bridge, or tunnel and the maximum authorized operating speed for passenger trains at that curve, bridge or tunnel. Within 120 days after the survey is complete, a railroad carrier must submit an action plan to the Secretary that identifies each main track location where there is a reduction of more than 20 miles per and describe appropriate actions to enable warning and enforcement of the speed.

Sec. 11409. Commuter Rail Track Inspections

The Secretary must evaluate track inspection regulations to determine if a railroad carrier providing commuter rail passenger transportation on high density commuter railroad lines should be required to inspect the lines in the same manner as is required for other commuter railroad lines.

Sec. 11411. Recording Devices

Within two years, the Secretary must promulgate regulations to require each railroad carrier that provides regularly scheduled intercity rail passenger or commuter rail passenger transportation to the public to install inward- and outward-facing image recording devices in all controlling locomotive cabs and cab car operating compartments in such passenger trains.

Sec. 11415. Rail Passenger Liability

Section 11415 updates the aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident involving Amtrak occurring on May 12, 2015, shall not exceed \$295,000,000 (up from \$200,000,000). The \$200,000,000 liability cap is adjusted for inflation every fifth year after the date of enactment of this Act. The Secretary must also provide appropriate public notice of each adjustment; the adjustment will become effective 30 days after notice is given.

Subtitle E – Project Delivery**Sec. 11501. Short Title**

Section 11501 may be cited as the Track, Railroad and Infrastructure Network Act or TRAIN Act.

Sec. 11503. Efficient Environmental Reviews

The Secretary is directed to apply the environmental review procedures already used for highways and transit to be used for rail. Within one year, the Secretary must identify additional

categorical exclusions used in transportation projects and to propose new and existing exclusions for rail that require Secretary approval under NEPA.

Subtitle F – Financing

Sec. 11601. Short Title; References

Section 11601 defines this title as the Railroad Infrastructure Financing Improvement Act.

Sec. 11603. Eligible Applicants

Section 11603 amends current law by expanding eligible applicants to allow non-railroad entities to apply for RRIF loans. Entities that exist solely for the purpose of constructing rail connection between a plant or facility and a railroad have been added to eligible applicants.

Sec. 11604. Eligible Purposes

Section 11604 amends current law by expanding eligible purposes to include reimbursement of planning and design expenses and economic development and transit-oriented development projects. The Secretary is directed to require loan recipients for TOD projects to provide a non-federal match of at least 25 percent.