

Surface Transportation Reauthorization and Reform Act of 2015

Section by Section

Title I – Federal-Aid Highways

Subtitle A – Authorizations and Programs

Section 1101. Authorization of Appropriations.

This section authorizes funds for the Federal-Aid Highway Program, Nationally Significant Freight and Highway Projects, Transportation Infrastructure Finance and Innovation Program (TIFIA), Tribal Transportation Program, Federal Lands Transportation Program, Federal Lands Access Program, Territorial and Puerto Rico Highway Program, and the Disadvantaged Business Enterprise Program through fiscal year 2021 at levels consistent with the Congressional Budget Office's (CBO) baseline projections for the Highway Trust Fund.

Section 1102. Obligation Ceiling.

This section provides the obligation limitations for the federal-aid highway and highway safety construction programs. The section retains *Moving Ahead for Progress in the 21st Century Act* (MAP-21) provisions governing the distribution of obligation authority and the redistribution of unused obligation authority.

Section 1103. Definitions.

This section makes conforming changes to definitions applicable under title 23, United States Code.

Section 1104. Apportionment.

This section allocates apportioned funds among the National Highway Performance Program (NHPP), Surface Transportation Block Grant Program (STBGP), Highway Safety Improvement Program (HSIP), the Congestion Mitigation and Air Quality Improvement Program (CMAQ), and Metropolitan Planning. The section generally retains MAP-21's apportionment formulas, but adds to each state's base apportionment supplemental funds for NHPP and STBGP. The section also provides for the apportionment of funds among the states, retaining provisions that ensure that each state's combined apportionments are not less than 95 percent of the state's estimated tax payments into the Highway Trust Fund (other than the Mass Transit Account). Finally, this section authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for administrative expenses for the Federal Highway Administration (FHWA).

Section 1105. National Highway Performance Program.

This section allows states to use NHPP funds to pay the subsidy and administrative costs associated with providing TIFIA credit assistance. The section also allows NHPP funds to be used for bridge projects located off the National Highway System (NHS), but on a Federal-aid highway.

Section 1106. Surface Transportation Block Grant Program.

This section converts the Surface Transportation Program to a block grant program, the Surface Transportation Block Grant Program (STBGP), providing states significant flexibility in how these funds may be obligated. The section also phases in an increase in the percentage of STBGP funds suballocated based on population from 50 percent to 55 percent between fiscal years 2016 and 2020. This section also folds the Transportation Alternatives Program (TAP) into the STBGP program, holds TAP funding flat at \$819.9 million for fiscal years 2016 through 2021, and suballocates 50 percent of TAP funding based on population and 50 percent to any area of the state. Finally, this section allows 50 percent of TAP funds suballocated to areas with a population greater than 200,000 to be used for any project eligible for funding under STBGP.

Section 1107. Railway-Highway Grade Crossings.

This section increases the set-aside from the HSIP for railway-highway grade crossings to address fatalities and hazards at public grade crossings.

Section 1108. Highway Safety Improvement Program.

This section reestablishes a focus on using federal funds for roadway safety infrastructure. Also included is the addition of eligible activities which include: installation of vehicle-to-infrastructure equipment, pedestrian hybrid beacons, and roadway improvements that provide separation between pedestrians and motor vehicles. This section also removes a requirement which required states to collect data on all public roads including unpaved and gravel roads. This section also modifies a special rule for high risk rural roads by stating that if a state is above the two-year median fatality rate for rural roads among all states, then a state is required to identify strategies to address fatality reductions and achieve safety improvements on high risk rural roads in their State Strategic Highway Safety Plan. Lastly, it includes a provision which surveys states to determine best practices in preventing roadway crashes that involve commercial motor vehicles.

Section 1109. Congestion Mitigation and Air Quality Improvement Program.

This section adds the installation of vehicle-to-infrastructure to the list of eligible activities. Also, this section gives certain states the flexibility to undertake CMAQ or STBGP-eligible projects with CMAQ funds in order to help prevent areas within the state from going into nonattainment. In addition, it clarifies states shall give priority to projects that are proven to reduce direct emissions of PM2.5.

Section 1110. National Highway Freight Policy.

This section modifies the National Highway Freight Network (Network) to consist of: (1) the Interstate System; (2) non-Interstate highway segments on the comprehensive 41,000-mile network developed by the USDOT; and (3) up to an additional 10 percent of highway mileage in each State as designated by the states. The Network will be updated every five years.

Section 1111. Nationally Significant Freight and Highway Projects.

This section establishes a competitive grant program to fund nationally significant: (1) freight projects on the Network; (2) highway and bridge projects on the NHS; (3) freight rail or freight intermodal projects carried out on the National Multimodal Freight Network; and (4) railway-highway grade crossing or grade separation projects. For a project in a single state, projects will be required to have a

project cost equal to or exceeding the lesser of \$100 million or 30 percent of a state's apportioned funds for the most recent fiscal year. For multi-state projects, projects will be required to have a project cost equal to or exceeding the lesser of \$100 million or 50 percent of the apportioned funds of the participating state with the largest apportionment in the most recent fiscal year. Not more than \$500 million from fiscal year 2016 through 2021 may be used for freight rail or freight intermodal projects and the projects need to demonstrate a significant improvement to freight movements on the NHS and the federal share of the projects funds only elements of the projects that provides public benefits. This limitation will not apply to a grade crossing or grade separation project and for a multimodal project, will only apply to the non-highway portion of the project.

Not less than 10 percent of the funds made available is reserved to make grants of \$5,000,000 or more for smaller highway freight projects. Not less than 20 percent of the funds made available (including funds for smaller highway freight projects) is reserved for projects in rural areas. The maximum federal share under the program is 50 percent of project costs. States may use their apportioned funds to meet the non-federal contribution, but total federal funds may not exceed 80 percent of project costs. The Secretary of Transportation (Secretary) may allow grants to be used to fund the subsidy and administrative costs of TIFIA credit assistance. Finally, the section gives Congress 60 days to disapprove of a proposed grant by enacting a joint resolution.

Section 1112. Territorial and Puerto Rico Highway Program.

This section increases the annual authorization for the Puerto Rico Highway Program and for the Territorial Highway Program.

Section 1113. Federal Lands and Tribal Transportation Program.

This section requires tribes to submit to the Secretary and the Secretary of the Interior data on project names, descriptions, current status, and estimated number of jobs created under the tribal transportation program.

Section 1114. Tribal Transportation Program.

This section reduces the funding for FHWA program management and project-related administrative expenses from six percent to five percent.

Section 1115. Federal Lands Transportation Program.

This section adds the Bureau of Reclamation and independent federal agencies with natural resource and land management responsibilities as recipients of funding from the Federal Lands Transportation Program.

Section 1116. Tribal Transportation Self-Governance Program.

This section establishes a Tribal Transportation Self-Governance Program at the USDOT. The Secretary determines eligibility after reviewing a tribe's financial stability, financial management capacity, and transportation program management capability from the three preceding fiscal years. If eligible, the Secretary and the tribe are required to negotiate and enter into a written compact, which would outline the terms of the relationship between the tribe and USDOT. The Secretary is required to negotiate and enter into a written annual funding agreement with a tribe after entering into a

compact. The annual funding agreement would allow a tribe to receive and administer full formula funding and any competitive grants from the USDOT programs that are available to tribes.

Section 1117. Emergency Relief.

This section allows debris removal on federal lands to be eligible under the Emergency Relief Program.

Section 1118. Highway Use Tax Evasion Projects.

This section continues a program to combat highway use tax evasion and requires the Internal Revenue Service to submit its annual report on its efforts to prevent tax evasion to the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee.

Section 1119. Bundling of Bridge Projects.

This section allows a state to bundle two or more similar bridge projects to save time and reduce costs if the bridge projects are eligible under NHPP or STBGP, are included as a bundled project in a metropolitan or statewide transportation improvement plan (TIP), and are awarded to a single contractor or consultant.

Section 1120. Tribal High Priority Projects Program.

This section reauthorizes the Tribal High Priority Projects Program.

Section 1121. Construction of Ferry Boats and Ferry Terminal Facilities.

This section reauthorizes the program for the construction of ferry boats and ferry terminal facilities.

Subtitle B – Planning and Performance Management

Section 1201. Metropolitan Transportation Planning.

This section adds “intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities” to the types of transportation systems and facilities to be addressed in the plans and TIPs developed by metropolitan planning organizations (MPOs). The section also clarifies that a representative of a provider of public transportation may also serve as a representative of a local municipality and will have the same responsibilities, voting rights and other authorities as other officials serving on the MPO. The section adds tourism and natural disaster risk reduction to the types of planning activities affected by transportation that MPOs are encouraged to coordinate with other officials during the planning process. The section also adds improving the resilience and reliability of the transportation system to the list of projects and strategies to be considered in the planning process. The section adds public ports, intercity bus operators, and transit-related groups to the list of interested parties to be provided an opportunity to comment on the transportation plan.

Section 1202. Statewide and Nonmetropolitan Transportation Planning.

The section makes conforming and technical corrections to the statewide and nonmetropolitan planning process under section 135 of title 23, United States Code, and makes many of the changes made to metropolitan planning under section 1201 to statewide planning.

Subtitle C – Acceleration of Project Delivery

Section 1301. Satisfaction of Requirements for Certain Historic Sites.

This section aligns, to the maximum extent practicable, Section 4(f) of the *1966 Department of Transportation Act* and Section 106 of the *National Historic Preservation Act* processes to achieve efficiency in reviews for historic sites while continuing to provide important protection for cultural resources, including mitigating potential impacts.

Section 1302. Treatment of Improvements to Rail and Transit under Preservation Requirements.

This section provides that improvements to, or the maintenance, rehabilitation, or operation of railroad or rail transit lines that are in use or were historically used for the transportation of passengers or cargo will not be considered a use of a historic site under Section 4(f), with the exception of stations, and bridges and tunnels located on railroad lines that have been abandoned or transit lines that are not in use.

Section 1303. Clarification of Transportation Environmental Authorities.

This section supports the wide-spread practice of referring to two provisions of transportation law (49 USC 303 and 23 USC 138) by a reference to Section 4(f) of the *1966 Department of Transportation Act*, which was repealed long ago. The section amends sections 303 and 138 to include a reference to clarify that these sections may also be referred to as “Section 4(f)” within the transportation law community.

Section 1304. Treatment of Certain Bridges under Preservation Requirements.

This section exempts a category of ordinary concrete and steel bridges constructed after 1945 from Section 4(f) review.

Section 1305. Efficient Environmental Reviews for Project Decisionmaking.

This section makes a number of changes to accelerate the environmental review and permitting process. Specifically, this section modifies the definition of “multimodal project” to include all USDOT modes; clarifies that either the USDOT or a USDOT modal administration may be the lead agency for purposes of *National Environmental Policy Act* (NEPA) review; and requires the lead agency to invite other federal and non-federal agencies to participate in the NEPA process within 45 days after the publication of a Notice of Intent to prepare an Environmental Impact Statement (EIS) or the initiation of an Environmental Assessment (EA).

This section also requires, to the maximum extent practicable, a single NEPA document that will be sufficient for any federal approval or other federal action required for the project by any federal agency. Further, it requires that participating agencies limit their comments with respect to the range of alternatives to subject matter areas within the agency’s area of expertise or jurisdiction, and give substantial deference to the range of alternatives recommended by the lead agency and requires a participating agency that declines to participate in the development of the purpose and need and range of alternatives to still comply with the schedule for completing environmental review. It also

requires the lead agency to develop a project checklist to help sponsors identify potential natural, cultural, and historic resources in the area of the project.

Additionally, this section requires the lead agency to establish the plan for coordinating public and agency participation in the environmental review process within 90 days after the publication of a notice to prepare an EIS or the initiation of an EA; makes the development of a schedule for the completion of the environmental process mandatory; modifies the process for elevating outstanding issues by making the Council on Environmental Quality (CEQ), rather than the President, the highest level of referral; and expands, to all public entities receiving federal assistance from USDOT, the authority to use federal dollars to fund positions at federal, state or local agencies that participate in the environmental review process. Funds may be used to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes, including planning, approval and consultation processes.

Section 1306. Improving Transparency in Environmental Reviews.

This section requires the Secretary to maintain an online platform to report project level status of the reviews, approvals, and permits required for compliance with NEPA or other federal laws, including information on projects for which the NEPA process has been delegated to a state.

Section 1307. Integration of Planning and Environmental Review.

The section further streamlines the process of linking transportation planning and environmental review. This section changes the definition of 'environmental review process' to refer both to NEPA and other required permits and approvals by other federal agencies. The section eliminates the requirement that a planning product must be approved by the state, all local and tribal governments, and any relevant MPO. The section also makes explicit that planning products that may be adopted for environmental reviews include the project's purpose and need, and the preliminary screening of alternatives and elimination of unreasonable alternatives. The modifications explicitly references programmatic mitigation plans, the development of which was encouraged by MAP-21.

Section 1308. Development of Programmatic Mitigation Plans.

This section requires federal agencies to give substantial weight to programmatic mitigation plans developed by states and MPOs to address the potential environmental impacts of future transportation projects.

Section 1309. Delegation of Authorities.

This section directs the Secretary to use its existing authority, to the maximum extent practicable, to delegate responsibility to a state for project designs, plans, specifications, estimates, contract awards, and inspections, on both a project-specific and programmatic basis. Within 18 months following enactment, the Secretary, in cooperation with the states, is directed to submit recommendations for legislation needed to permit delegation of additional authorities to the states.

Section 1310. Categorical Exclusion for Projects of Limited Federal Assistance.

This section provides for an inflationary adjustment to the categorical exclusion for projects with limited federal assistance, and applies the adjustment retroactively.

Section 1311. Application of Categorical Exclusions for Multimodal Projects.

This section expands the applicability of categorical exclusions to all USDOT projects, rather than only those funded under title 23 or chapter 53 of title 49, United States Code. The section eliminates the requirement that a multimodal project be funded under a single grant agreement in order for a lead authority to use the categorical exclusion of another agency. The section also strikes the current requirement that the component of the multimodal project to be covered by the categorical exclusions has independent utility.

Section 1312. Surface Transportation Project Delivery Program.

This section clarifies that a state with NEPA assignment authority does not require further approval from the Secretary to carry out the responsibilities that have been assumed by the state pursuant to an agreement with the USDOT. The section also amends current audit requirements to require annual audits for each of the first four years a state has assignment authority, rather than semiannual audits during the first two years and annual audits in the third and fourth year. Additionally, states are to be consulted about the makeup of the audit team.

Section 1313. Program for Eliminating Duplication of Environmental Reviews.

This section establishes a pilot program to permit up to five states to apply state environmental laws and regulations instead of NEPA if USDOT and the Council on Environmental Quality determine that such state laws and regulations are substantially equivalent. This section encourages other federal agencies, with authority over a project, to use documents produced by a state under the pilot program. A state participating in the program will be allowed to exercise its authority on behalf of up to 10 local governments.

Section 1314. Assessment of Progress on Accelerating Project Delivery.

This section requires the Government Accountability Office (GAO) to conduct an assessment of the progress made by provisions in this bill, MAP-21 and SAFETEA-LU in accelerating the environmental review and permitting process; make recommendations for further streamlining without negatively impacting the environment; and submit a report to the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee.

Section 1315. Improving State and Federal Agency Engagement in Environmental Reviews.

This section allows public entities that receive federal funds from USDOT for any project for a public purpose to use federal dollars to fund positions at federal, state or local agencies that participate in the environmental review process. Funds may be used to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes, including planning, approval and consultation processes.

Section 1316. Accelerated Decisionmaking in Environmental Reviews.

This section amends title 49, United States Code, to require, to the maximum extent practicable, that an EIS and Record of Decision be developed as a single document unless the final EIS makes substantial changes to the proposed project or there is significant new information or circumstances relevant to environmental concerns that bear on the proposed project. The section also allows an operating administration within USDOT to adopt or incorporate by reference a draft EIS, EA, or final

EIS of another operating administration if both operating administrations agree the actions being taken are substantially the same.

Section 1317. Aligning Federal Environmental Reviews.

This section requires USDOT, working with the heads of other federal agencies involved in the reviewing transportation projects, to develop a coordinated and concurrent environmental review and permitting process within one year after the date of enactment. The section also requires the development of a checklist to identify potential natural, cultural, and historic sites that may be affected by a proposed project.

Subtitle D - Miscellaneous

Section 1401. Tolling; HOV Facilities; Interstate Reconstruction and Rehabilitation.

This section makes technical corrections to section 129 of title 23, United States Code, and amends section 166 of title 23, United States Code, to specify that any public authority that allows public transportation vehicles to use HOV facilities must provide equal access for all public transportation vehicles and over-the-road buses. The section also provides that a public authority may designate classes of vehicles that are exempt from tolls on HOV lanes or charge different toll rates for different classes of vehicles if equal rates are charged for all public transportation vehicles and over-the-road buses.

The section amends the Interstate System Reconstruction and Rehabilitation Pilot Program to require that a state wishing to participate in the pilot program have approved enabling legislation necessary for the project to proceed. A State's application will now expire three years after the date on which the application was provisionally approved if the state has not submitted a complete application to USDOT, completed the NEPA process, and executed a toll agreement with the Secretary. The Secretary may extend an approval for an additional year if the state demonstrates progress toward the requirements. States that currently have slots reserved under the pilot program will have one year to meet this section's new requirements. The section also allows the Secretary to approve an application for the Interstate System Construction Toll Pilot Program under certain circumstances.

Section 1402. Prohibition on the Use of Funds for Automated Traffic Enforcement.

This section prohibits the use of Federal-aid highway funds for automated traffic enforcement.

Section 1403. Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence.

This section clarifies that state drunk driving repeat offender laws may include an exception from the requirement to install an ignition interlock device on employer-owned vehicles.

Section 1404. Highway Trust Fund Transparency and Accountability.

This section modifies the information to be included in the annual report to Congress on the use of Federal-aid highway funds and requires the report to be published semiannually on the USDOT website. Additionally, the provision reinforces the requirement for the submission of project-level information by directing the Secretary to publish an annual report on its website that provides basic

project-level information on all projects administered by the FHWA, and additional information on projects with a construction cost of more than \$100 million.

Section 1405. High Priority Corridors on National Highway System.

This section modifies highway priority corridors under Section 1105 of the *Intermodal Surface Transportation Efficiency Act of 1991*.

Section 1406. Flexibility for Projects.

This section provides that for projects eligible for funding under title 23, United States Code, the Secretary, following a request by a state, may use existing authorities to provide additional flexibility or expedited processing.

Section 1407. Productive and Timely Expenditure of Funds.

This section requires the Secretary to develop guidance that encourages the use of programmatic approaches to project delivery, expedited and prudent procurement techniques, and other best practices to facilitate the timely and productive expenditure of funds for projects under title 23, United States Code. The Secretary is to ensure the guidance is consistently implemented by the states and FHWA.

Section 1408. Consolidation of Programs.

This section reauthorizes funding for safety-related clearinghouses, including Operation Lifesaver, and funds the clearinghouses from a set-aside under HSIP.

Section 1409. Federal Share Payable.

This section adds “engineering or design approaches” to the types of innovative project delivery methods that qualify a project to receive up to 100 percent federal share.

Section 1410. Elimination or Modification of Certain Reporting Requirements.

The section eliminates two obsolete reporting requirements.

Section 1411. Technical Corrections.

This section makes technical corrections to title 23, MAP-21, and the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU).

Section 1412. Safety for Users.

This section encourages each state to adopt design standards for surface transportation projects that accommodate all motorized and non-motorized users.

Section 1413. Design Standards.

This section modifies what the Secretary must take into account when developing design standards for the NHS. It also gives a State the discretion to allow a local jurisdiction to use a different roadway design publication if certain criteria are met.

Section 1414. Reserve Fund.

This section clarifies that funds authorized for fiscal years 2019 through 2021 are only available if there is a subsequent Act of Congress. This section also establishes a calculation to adjust the spending levels in the bill if receipts to the Highway Trust Fund are different from that estimated at the time of enactment.

Section 1415. Adjustments.

This section rescinds unobligated balances of contract authority.

Title II – Innovative Project Finance

Section 2001. Transportation Infrastructure Financing and Innovation Act of 1998 Amendments.

This section makes changes to the TIFIA program, such as modifying the definition of a master credit agreement and a rural infrastructure project, establishing an eligible project cost for a local project, and providing federal funding for administrative expenses.

Section 2002. State Infrastructure Bank Program.

This section reauthorizes the State Infrastructure Bank Program for fiscal years 2016 through 2021.

Section 2003. Availability Payment Concession Model.

This section codifies an existing FHWA practice of allowing costs related to highway projects delivered by a public-private partnership that uses an advance construction authorization (23, USC, 115) coupled with the availability payment concession model to be eligible for Federal-aid reimbursement.

Title III – Public Transportation

Section 3001. Short Title.

This section titles the bill, the “Federal Public Transportation Act of 2015.”

Section 3002. Definitions.

This section adds definitions for value capture and base-model bus.

Section 3003. Metropolitan and Statewide Transportation Planning.

This section provides for the consideration of intermodal facilities that support intercity transportation, including intercity buses and bus facilities, in long-range transportation plans and transportation improvement programs. This section also clarifies that a representative of a provider of public transportation may also serve as a representative of a local municipality and will have the same responsibilities, voting rights and other authorities as other officials serving on the MPO. Lastly, this section acknowledges the role of intercity bus operators and employer-based commuting programs to reduce congestion.

Section 3004. Urbanized Area Formula Grants.

This section defines the term “recipient” and clarifies eligibility requirements by adding general public demand response under this section. It also provides an exception to the special rule to promote greater local decision-making and reduces the amount of mandated transit funds that must be spent on transit enhancements.

Section 3005. Fixed Guideway Capital Investment Grants.

This section provides Small Starts applicants with an optional early rating. This section also harmonizes the authorized federal share of projects under this section with recent appropriations practice. Lastly, this section reforms the cost-effectiveness calculation to ensure that the cost of art and landscaping are included.

Section 3006. Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities.

This section directs the Secretary to promote best practices for innovative approaches that have proven to improve mobility for seniors and individuals with disabilities.

Section 3007. Formula Grants for Rural Areas.

This section provides greater flexibility to states for their share of the project costs and to partner with intercity bus providers to support greater rural mobility.

Section 3008. Public Transportation Innovation.

This section consolidates Federal Transit Administration (FTA) research programs. This section allows for consortia to apply for zero emission deployment grants in order to support the use of clean air buses. It also requires that annual reports on research be accessible to the public.

Section 3009. Technical Assistance and Workforce Development.

This section consolidates the technical assistance and workforce development activities of the FTA. It expands the focus of training to veterans and adds new eligibility for FTA to facilitate best practices for transit systems to protect drivers from driver assault. This section includes grants to address human resources needs, frontline workforce development, and reauthorizes the National Transit Institute.

Section 3010. Bicycle Facilities.

This section reduces the federal share for a project related to connecting bicycles with public transportation.

Section 3011. General Provisions.

This section prohibits the use of federal funds to pay for the incremental cost of incorporating art or landscaping into facilities. This section provides an increased federal share for the acquisition of a base-model bus. It also gradually increases Buy America domestic content in federally-funded rolling stock purchases. Finally, this section allows recipients to use value capture as a local share.

Section 3012. Public Transportation Safety Program.

This section amends the National Public Transportation Safety Plan to include minimum safety standards that take into account recommendations from the NTSB, best practices developed by the industry, and any minimum standard or criteria developed by the public transportation industry. This section clarifies that safety enforcement actions are taken with respect to the recipient, not state, and that the Secretary may withhold funds under this chapter when all other options do not bring the recipient into compliance with safety requirements.

Section 3013. Apportionments.

This section makes a technical correction to apportionments and repeals the current period of availability.

Section 3014. State of Good Repair Grants.

This section clarifies definitions and provides flexibility for recipients under this section to use the funds to meet their state of good repair needs.

Section 3015. Authorizations.

This section authorizes the programs under this title. It also establishes a uniform period of availability.

Section 3016. Bus and Bus Facility Grants.

This section provides capital funds for buses and bus related facilities. It continues the formula funds that provide consistent investment. This section also provides two additional components to address the bus state of good repair. It provides flexibility for grants to be pooled, allowing for large scale procurements and major bus facility projects. Lastly, this section funds a competitive grant component to update aged and inefficient fleets.

Section 3017. Obligation Ceiling.

This section establishes the annual obligation limitations for federal transit programs.

Section 3018. Innovative Procurement.

This section allows for the use of cooperative procurement to support cost-effective rolling stock purchases. It also establishes a joint procurement clearinghouse to allow for recipients to aggregate planned rolling stock purchases and identify joint procurement participants.

Section 3019. Review of Public Transportation Safety Standards.

This section requires the Secretary to commence a review of safety standards and protocols in order to evaluate the need to establish federal minimum safety standards for public transportation. This section requires the Secretary to publish the review, evaluation, recommendations (including statutory changes) and actions the Secretary will take.

Section 3020. Study on Evidentiary Protection for Public Transportation Safety Program Information.

This section requires the GAO to complete a study on the evidentiary protection of safety information required under section 5329 of chapter 53 of title 49, United States Code.

Section 3021. Mobility of Seniors and Individuals with Disabilities.

This section provides for the coordination of public transportation services with other federally-assisted local transportation services. This provision encourages the Interagency Transportation Coordination Council on Access and Mobility to publish a strategic plan to implement coordination recommendations and develop a cost-sharing policy.

Section 3022. Improved Transit Safety Measures.

This section requires the Secretary to undertake a rulemaking to protect transit operators from assaults.

Title IV – Highway Safety

Section 4001. Authorization of Appropriations.

This section authorizes funds through fiscal year 2021 for the highway safety programs and administrative expenses of the National Highway Traffic Safety Administration (NHTSA) at levels consistent with the CBO's baseline projections for the Highway Trust Fund.

Section 4002. Highway Safety Programs.

This section encourages states to adopt programs to increase driver awareness of commercial motor vehicles (CMV) and how to operate safely around CMVs. It also makes data available on how states are following federal guidelines for automated red light and speed enforcement cameras. Finally, it reduces administrative burdens on states by requiring NHTSA to accept highway safety plans in electronic form.

Section 4003. Highway Safety Research and Development.

This section authorizes NHTSA to work with industry and academia on advancements in ignition interlocks and other safety technologies that help determine whether a driver exceeds alcohol impairment standards. It also requires that NHTSA clearly inform participants in programs that collect data on drug or alcohol use that their participation is voluntary. Finally, this section clarifies the federal share of cooperative research activities carried out by NHTSA.

Section 4004. High-Visibility Enforcement Program.

This section codifies the High Visibility Enforcement Program and authorizes funds to be used on campaigns to reduce distracted driving.

Section 4005. National Priority Safety Programs.

This section enables states to spend more funds on the pressing safety needs unique to their state by increasing the percentage of National Priority Safety Program funds that can be flexed to each state's

traditional safety program under section 402 of title 23, United States Code. This section also reforms the Impaired Driving Countermeasures, Distracted Driving, and State Graduated Driver License Incentive programs to reduce barriers to state eligibility and improve incentives for states to adopt laws and regulations to improve highway safety. Finally, this section authorizes five percent of National Priority Safety Program funds to be spent on a new initiative on nonmotorized safety. States with combined pedestrian and bicycle fatalities that exceed 15 percent of total crash fatalities in that state are eligible to receive grant funds under the nonmotorized safety initiative to reduce such fatalities.

Section 4006. Prohibition on Funds to Check Helmet Usage or Create Related Checkpoints for a Motorcycle Driver or Passenger.

This section prohibits the use of federal funds on motorcycle helmet checkpoints.

Section 4007. Marijuana-Impaired Driving.

This section requires the Secretary to conduct a study on marijuana impaired driving, including the feasibility of establishing an impairment standard for drivers under the influence of marijuana and provide recommendations.

Section 4008. National Priority Safety Program Grant Eligibility.

This section requires NHTSA to release information on which states were awarded funds under the National Priority Safety Program and which states were determined to be ineligible. NHTSA is required to provide ineligible states a list of deficiencies to correct in order to ensure their eligibility in the future.

Section 4009. Data Collection.

This section continues a program to improve the availability of data on traffic stops.

Section 4010. Technical Corrections.

This section makes technical corrections to chapter 4 of title 23, United States Code.

Title V – Motor Carrier Safety

Subtitle A – Motor Carrier Safety Grant Consolidation

Section 5101. Grants to States.

This section consolidates nine existing Federal Motor Carrier Safety Administration (FMCSA) grant programs into four and streamlines program requirements to reduce administrative costs and improve flexibility for states. It makes several reforms to grant programs, including awarding priority to programs that train veterans and to incentivizing the adoption of innovative truck and bus safety technologies. These changes take effect in fiscal year 2017. This section also authorizes funds for the consolidated grant programs for fiscal years 2017 through 2021 at levels consistent with the CBO's baseline projections for the Highway Trust Fund.

Section 5102. Performance and Registration Information Systems Management.

This section makes a conforming amendment to section 31106(b) of title 49, United States Code.

Section 5103. Authorization of Appropriations.

This section authorizes the administrative expenses of the FMCSA for fiscal years 2016 through 2021 at fiscal year 2015 enacted levels.

Section 5104. Commercial Driver's License Program Implementation.

This section directs more of the available funding for implementing federal standards for commercial driver's licenses to the states by eliminating the set aside for emerging and national issues related to commercial drivers licensing.

Section 5105. Extension of Federal Motor Carrier Safety Programs for Fiscal Year 2016.

This section authorizes fiscal year 2016 funding for FMCSA grant programs as these programs currently exist. Funding is provided at levels consistent with the CBO's baseline projections for the Highway Trust Fund.

Section 5106. Motor Carrier Safety Assistance Program Allocation.

This section establishes a temporary working group of outside experts to advise the Secretary in the development of a new allocation formula for the Motor Carrier Safety Assistance Program. Prior to the development of a new formula, this section authorizes the use of an interim formula.

Section 5107. Maintenance of Effort Calculation.

This section establishes an interim maintenance of effort calculation for the fiscal years prior to the implementation of a new Motor Carrier Safety Assistance Program allocation formula. It further authorizes the Secretary to modify the maintenance of effort calculation once a new allocation formula is implemented.

Subtitle B – Federal Motor Carrier Safety Administration Reform

Part I – Regulatory Reform

Section 5201. Notice of Cancellation of Insurance.

This section authorizes the Secretary to suspend, in lieu of revoking, the operating authority of motor carriers during temporary lapses in insurance coverage.

Section 5202. Regulations.

This section makes several reforms to the process FMCSA must follow when developing new motor carrier regulations to improve transparency and accountability. It also requires the FMCSA to revise or repeal regulations every five years if they are no longer current, consistent, and uniformly enforced.

Section 5203. Guidance.

This section reforms the process FMCSA uses to issue regulatory guidance and enforcement policies. It requires FMCSA to ensure guidance and enforcement policies are publicly accessible, regularly reviewed to ensure consistency and relevancy, and incorporated into regulations whenever possible.

Section 5204. Petitions.

This section reforms the process FMCSA uses when considering petitions for regulatory actions. It requires FMCSA to make the petitions publicly accessible and sets a deadline for the agency to formally respond.

Part II – Compliance, Safety, Accountability Reform**Section 5221. Correlation Study.**

This section requires the Administrator of the FMCSA to commission the National Academies to conduct a study on ways to improve the Compliance, Safety, Accountability (CSA) program and provide Congress and the Inspector General with a report on the study's findings. The section also requires the Administrator to provide a corrective action plan to Congress describing the improvements that will be made to the CSA program. The Inspector General is required to review the corrective action plan to ensure it is responsive to the study's findings.

Section 5222. Beyond Compliance.

This section authorizes the Administrator to incentivize motor carriers to install the latest safety technology on trucks and buses, adopt enhanced driver safety measures, implement safety management programs, and undertake other safety activities by having such activities be reflected in the agency's calculation of safety scores.

Section 5223. Data Certification.

This section prohibits the publication of CSA program scores and certain other data until the Inspector General certifies that the corrective action plan under section 5221 and improvements to the CSA program are implemented.

Section 5224. Interim Hiring Standard.

This section provides limited liability relief to shippers and brokers that hire motor carriers with satisfactory safety ratings from the FMCSA.

Subtitle C – Commercial Motor Vehicle Safety**Section 5301. Implementing Safety Requirements.**

This section accelerates the implementation of important FMCSA safety regulations required by law.

Section 5302. Windshield Mounted Safety Technology.

This section updates regulations to allow for the mounting of innovative safety technologies on truck and bus windshields.

Section 5303. Prioritizing Statutory Rulemakings.

This section requires the Administrator to prioritize the completion of rulemakings required by law.

Section 5304. Safety Reporting System.

This section requires the GAO to report to Congress on the feasibility of establishing a self-reporting system for motor carriers to report and correct en route equipment failures.

Section 5305. New Entrant Safety Review Program.

This section requires the Secretary to assess the effectiveness of the FMCSA's new operator safety review program and report to Congress on the results of the assessment.

Subtitle D – Commercial Motor Vehicle Drivers

Section 5401. Opportunities for Veterans.

This section requires the Secretary to reduce regulatory barriers faced by veterans seeking employment as commercial truck and bus drivers.

Section 5402. Drug Free Commercial Drivers.

This section authorizes the use of hair testing as an alternative to urine tests to screen for possible drug and alcohol use by commercial truck and bus drivers once standards have been established by for the Department of Health and Human Services. The section sets a one year deadline for the Department of Health and Human Services to establish federal standards for hair testing.

Section 5403. Certified Medical Examiners.

This section authorizes the Secretary to grant exemptions on a case-by-case basis to drivers that receive fitness determinations from medical examiners that are not on the National Registry of Certified Medical Examiners.

Section 5404. Graduated Commercial Driver's License Pilot Program.

This section authorizes the Secretary to establish a limited pilot program for up to six agreements of contiguous states to allow drivers between the ages of 19 1/2 and 21 to operate commercial motor vehicles across state lines. The section establishes a task force to inform the Secretary on the parameters of the pilot program prior to its establishment.

Subtitle E – General Provisions

Section 5501. Minimum Financial Responsibility.

This section requires the Secretary to consider several factors prior to issuing a final rule that would change minimum insurance requirements for commercial trucks. It also requires the Secretary to conduct a study of current levels of minimum insurance for commercial buses prior to initiating a rulemaking that would change such levels.

Section 5502. Delays in Goods Movement.

This section requires the Inspector General to report on the impacts of delays in the pick-up and delivery of goods by motor carriers and drivers and make recommendations to Congress on ways to mitigate the delays. It also requires the Secretary to establish a process to collect data on delays.

Section 5503. Report on Motor Carrier Financial Responsibility.

This section requires the Secretary to publish a report prior to April 1, 2016 on the current levels of minimum insurance for commercial trucks.

Section 5504. Emergency Route Working Group.

This section establishes a temporary working group to advise the Secretary on ways to expedite the response time by utility and other vehicles providing emergency response and restoration to disaster zones. The Secretary is required to inform Congress on the actions that will be taken to implement the recommendations of the working group.

Section 5505. Household Goods Consumer Protection Working Group.

This section establishes a temporary working group to advise the Secretary on ways to improve the public's understanding of household goods movement and consumer protections.

Section 5506. Technology Improvements.

This section requires the GAO to report to Congress on ways to improve FMSCA's information technology and data collection systems.

Section 5507. Notification Regarding Motor Carrier Registration.

This section requires the Secretary to inform Congress on the actions that will be taken to reduce delays in the registration of new motor carriers.

Section 5508. Technical Corrections.

This section makes technical corrections to title 49, United States Code, and other motor carrier laws.

Title VI - Innovation

Section 6001. Short Title.

This section titles the bill, the "Transportation for Tomorrow Act of 2015."

Section 6002. Authorization of Appropriations.

This section authorizes funds through fiscal year 2021 for the innovation and research activities overseen by the USDOT. This section would authorize sums out of the Highway Account of the Highway Trust Fund for the highway research and development program, technology and innovation deployment program, training and education, intelligent transportation systems program, university transportation centers, and Bureau of Transportation Statistics.

Section 6003. Advanced Transportation and Congestion Management Technologies Deployment.

This section establishes a competitive grant program to deploy advanced transportation and congestion management technologies in order to support innovative solutions to transportation challenges.

Section 6004. Technology and Innovation Deployment Program.

This section updates the technology and innovation deployment program and requires a transparency report on the cost and benefits of deployment activities under this chapter.

Section 6005. Intelligent Transportation System Goals.

This section updates the goals of intelligent transportation systems (ITS) activities to acknowledge the role of ITS in the movement of freight.

Section 6006. Intelligent Transportation System Program Report.

This section requires that the report on the ITS activities at USDOT be published on an USDOT website.

Section 6007. Intelligent Transportation System National Architecture and Standards.

This section updates the eligible entities that can participate in standards development activities for ITS.

Section 6008. Communication Systems Deployment Report.

This section requires a publically-available report on vehicle-to-vehicle and vehicle-and-infrastructure communications systems deployment.

Section 6009. Infrastructure Development.

This section reaffirms that the funds made available for ITS activities should be focused on only that, and not be diverted for construction of physical infrastructure. This section also reestablishes a previous restriction on the use of ITS research funding for construction projects.

Section 6010. Departmental Research Programs.

This section codifies the research activities of the USDOT in the Office of Assistant Secretary for Research and Technology.

Section 6011. Research and Innovative Technology Administration.

This section repeals the defunct Research and Innovative Technology Administration, which was elevated to the Office of Assistant Secretary for Research and Technology in the previous section.

Section 6012. Office of Intermodalism.

This section repeals the defunct Office of Intermodalism at USDOT.

Section 6013. University Transportation Centers.

This section reauthorizes the competitive grants to University Transportation Centers (UTCs). This section also maximizes research results by focusing on consortia; clarifies awards terms; reflects that

there are no longer any FTA funds directed to the UTC Program; and provides flexible grant award amounts.

Section 6014. Bureau of Transportation Statistics.

This section makes minor technical corrections and includes language that affirms the impartiality of the Bureau of Transportation Statistics as a statistical entity.

Section 6015. Surface Transportation System Funding Alternatives.

This section establishes a competitive grant program for states to demonstrate alternative funding mechanisms in order to provide valuable feedback on the ability of these mechanisms to fund surface transportation projects and programs.

Section 6016. Future Interstate Study.

This section authorizes the National Academy of Science's Transportation Research Board to carry out a study on the actions needed to take care of the Interstate System. It directs that the plan include recommendations regarding the features, standards, capacity needs, application of technologies, and investment that will be required to upgrade the Interstate System to meet future needs.

Title VII – Hazardous Materials Transportation

Section 7001. Short Title.

This section titles the bill, the "Hazardous Materials Transportation Safety Improvement Act of 2015."

Section 7002. Authorization of Appropriations.

This section reauthorizes the hazardous materials (hazmat) safety and grant programs for fiscal years 2016 through 2021 at CBO baseline levels.

Section 7003. National Emergency and Disaster Response.

This section provides the Secretary of Transportation authority to waive hazmat regulations during national emergencies to ensure the safe and efficient transportation of hazardous materials.

Section 7004. Enhanced Reporting.

This section makes a report on the overall transportation of hazardous materials public on the USDOT's website, rather than just a transmittal to the Senate Commerce, Science, and Transportation and House Transportation and Infrastructure Committees.

Section 7005. Wetlines.

This section requires PHMSA to withdraw the "wetlines" notice of proposed rulemaking, entitled "Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids." A MAP-21-mandated GAO report found Pipeline and Hazardous Materials Safety Administration (PHMSA) did not have sufficient data to analyze the costs and benefits of the proposed rulemaking, and also noted that the proposal failed to address tangential risks from vehicle retrofit requirements.

The section includes a savings clause to ensure PHMSA is able to regulate external product piping after withdrawal of the rulemaking.

Section 7006. Improving Publication of Special Permits and Approvals.

This section makes several changes to PHMSA's special permits and approvals program. First, it adds transparency to the process for approving special permits and approvals. Second, it reduces timelines for decisions on special permits and approvals. Finally, it requires public notice of approvals and final actions on special permits and approvals.

Section 7007. GAO Study on Acceptance of Classification Examinations.

This section directs the GAO to conduct a study, and report to Congress, on the standards, metrics, and protocols that the Secretary uses to regulate the performance of persons approved to recommend hazmat classifications, commonly referred to as third-party labs. If the study recommends regulations, PHMSA must issue them within 24 months from enactment.

Section 7008. Improving the Effectiveness of Planning and Training Grants.

This section reforms the Hazardous Materials Emergency Preparedness grant program in several ways. First, it extends the availability of grant funds for states to better plan for hazardous material accidents and to train their emergency responders. Second, it allows states more flexibility in the use of grants for training versus planning. Finally, it increases the scope of eligibility for training to include those who enforce hazmat regulations.

Section 7009. Motor Carrier Safety Permits.

This section addresses long-standing concerns about how FMCSA is administering the Hazardous Material Safety Permit program, by allowing carriers to submit corrective actions or other documentation, prior to the denial of a permit.

Section 7010. Thermal Blankets.

This section requires all DOT-117R tank cars to be equipped with a "thermal blanket" that is applied between the outer surface of a tank car tank and the inner surface of a tank car jacket. It also allows, however, for new alternative materials to be used in lieu of thermal blankets as those new alternative materials become available, as long as the alternatives provide an equivalent or greater level of safety as thermal blankets.

Section 7011. Comprehensive Oil Spill Response Plans.

This section requires each railroad carrier transporting a Class 3 flammable liquid to maintain a comprehensive oil spill response plan. The section requires the response plan to consist of response procedures, resources, and equipment, confirming that each plan is appropriate for oil spill response.

Section 7012. Information on High-Hazard Flammable Trains.

This section requires the Secretary to issue regulations requiring railroad carriers to notify State emergency response commissions regarding movement of High Hazard Flammable Trains (HHFT). The section also requires the Secretary to include in the rulemaking proper protection from public release of such information.

Section 7013. Study and Testing of Electronically-Controlled Pneumatic Brakes.

This section requires the GAO to conduct an Electronically-Controlled Pneumatic (ECP) brake study and report to Congress on its results. This section also requires the National Academy of Sciences to conduct testing of the ECP brakes during a derailment. The Secretary is then required to update the regulatory impact analysis and determine, based on the study and test results, whether to retain or repeal the ECP break requirement contained in the Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains Final Rule.

Section 7014. Ensuring Safe Implementation of Positive Train Control Systems.

This section extends the deadline for positive train control technology to ensure a safe and efficient implementation for America's rail passengers, commuters, and freight railroads.

Title VIII – Multimodal Freight Transportation

Section 8001. Multimodal Freight Transportation.

This section establishes a national multimodal freight policy with the goal of implementing policies, infrastructure improvements, and operational innovations that will improve the efficient movement of goods across all modes of transportation. The section also establishes a national freight strategic plan and designates a National Multimodal Freight Network, comprised of strategic highway, rail, port, inland waterway, and aviation assets. Further, this section encourages each state to establish a freight advisory committee with representatives from a cross-section of public and private sector freight stakeholders, and requires each state to develop a freight plan, separately from or as part of the state's larger transportation plan.

Title IX – National Surface Transportation and Innovative Finance Bureau

Section 9001. National Surface Transportation and Innovative Finance Bureau.

This section establishes the National Surface Transportation and Innovative Finance Bureau (Bureau) within the USDOT, which serves as a one-stop-shop for states and local governments, to receive federal funding or financing assistance, as well as technical assistance, in order to move forward with complex surface transportation projects. This section directs the Bureau to administer the application process for various competitive grant programs and credit assistance programs; promote innovative financing best practices; reduce uncertainty and delays with environmental reviews and permitting; reduce costs and risks to taxpayers in project delivery and procurement; and carry out various multimodal freight activities. Lastly, this section gives the Secretary the authority to consolidate or eliminate different offices within USDOT.

Section 9002. Council on Credit and Finance.

This section establishes a Council on Credit and Finance (Council) within USDOT. This section requires the Council to review applications for various competitive grant programs and credit assistance

programs and then make recommendations to the Secretary about which applications should receive federal funding or financing assistance.

Title X – Sport Fish Restoration and Recreational Boating Safety

Section 10001. Allocations.

This section reauthorizes expenditure authority for the *Dingell-Johnson Sport Fish Restoration Act* through fiscal year 2020. It also combines *Clean Vessel Act (CVA)* Grants and Boating Infrastructure Grants (BIG) into a single Boating Infrastructure Improvement grant program to increase flexibility for states and reduce administrative costs. Finally, this section provides parity for the Coast Guard by establishing a set-aside for the Service's administrative expenses as a hard number deducted from the top line. The section makes adjustments to the apportionment of funds available to ensure funding for grant programs are not reduced as the result of reforms made to the treatment of administrative expenses.

Section 10002. Recreational Boating Safety.

This section clarifies the authorized uses for the funds set aside for Coast Guard administrative expenses.

