



## Section-by-Section Summary of H.R. 22, the FAST Act

***Version 2.1 – there is a preliminary summary for every section of the conference report. If you spot errors, or sections where the summary could/should be expanded, please email jdavis [at] enotrans.org.***

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### DIVISION A—SURFACE TRANSPORTATION

*This division deals with almost all of the provisions of the legislation that fall within the jurisdiction of the House Transportation and Infrastructure Committee.*

**Sec. 1001. Definitions.** Defines “department” as USDOT and “Secretary” as SecDOT.

**Sec. 1002. Reconciliation of funds.** Provides that funds for FY 2016 provided by the Act shall be reduced by the amount of any short-term extensions enacted prior to this Act.

**Sec. 1003. Effective date.** Provides that this division shall be effective as of October 1, 2015.

**Sec. 1004. References.** Declares that references to “this Act” in this division only apply to this division.

### TITLE I—FEDERAL-AID HIGHWAYS

#### Subtitle A—Authorizations and Programs

**Sec. 1101. Authorization of appropriations.** Creates contract authority for the Federal Highway Administration as detailed in [this table](#). Extends and amends the SAFETEA-LU DBE provisions.

**Sec. 1102. Obligation ceiling.** Limits annual highway contract authority obligations to the amounts show in in the line for section 1102 in [this table](#) and provides for the distribution of the annual ob limit in a manner similar to current law.

**Sec. 1103. Definitions.** Amends 23 U.S.C. §101(a) to repeal the definition of “transportation alternatives” and add a new definition of “national highway freight network”.

**Sec. 1104. Apportionment.** Authorizes contract authority for FHWA administrative expenses for each year. Amends the apportionment process created by MAP-21 in 23 U.S.C. §104 to add a set-aside for a new formula freight program, create a new set-aside within the surface transportation block grant program to fund transportation enhancements, and makes other conforming changes. Highway funding under the Act will be apportioned to states by this section in these amounts ([total by FY](#) and [5-year cumulative by program](#))

**Sec. 1105. Nationally significant freight and highway projects.** Creates a new 23 U.S.C. §117 creating a new discretionary grant program for the Secretary of Transportation to select projects of national or regional significance. Applicants can be states or groups of states, MPOs, municipal governments, special purpose districts, federal land agencies, Indian tribes, or combinations thereof. Projects must be highway freight projects on the NHFN, highway or bridge projects on the NHS , intermodal facilities, or grade crossings (though the aggregate amount that can go for intermodal projects is capped at \$500 million over the life of the bill) with a total

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project cost that exceeds the lesser of \$100 million or 30 percent of that state's annual federal highway apportionment. (For multi-state projects there is a different formula).

Minimum federal grant size is \$25 million, but 10 percent of the money is reserved for smaller projects below the \$100 million/30 percent threshold and the minimum grant size for those projects is \$5 million. 25 percent of the total awards must be in rural areas. The discretionary grant's share of total project costs is not to exceed 60 percent, which can be supplemented with other federal funds to a total maximum federal share of 80 percent. Before making grants, USDOT must give the Congressional transportation committees 60 days notice, and the Secretary is forbidden to make the grant if Congress enacts a joint resolution disapproving funding for the project during that 60-day period.

**Sec. 1106. National highway performance program.** Amends 23 U.S.C. §119 to allow states to use NHPP funds to pay TIFIA subsidy and administrative costs, to allow NHPP funds to be used for bridges off the NHS, and to address critical infrastructure needs.

**Sec. 1107. Emergency relief for federally owned roads.** Amends 23 U.S.C. §125 to make federal roads on tribal or public lands that are open to public travel eligible for emergency relief reconstruction.

**Sec. 1108. Railway-highway grade crossings.** Increases the annual amount of the 23 U.S.C. §130 set-aside for the grade crossing program from the current \$220 million per year in \$5 million per year increments up to a total of \$245 million in FY 2020.

**Sec. 1109. Surface transportation block grant program.** Extensively amends 23 U.S.C. §133 to convert the Surface Transportation Program into a block grant program as proposed by the House. The legislation increases the amount of total STBGP funding that is sub-allocated to metropolitan areas on the basis of population from the current 50 percent to 55 percent over five years.

The conference agreement takes the same approach on transportation alternatives (known prior to MAP-21 as transportation enhancements) as does the House bill. The FAST Act repeals the sections of title 23 that authorize the transportation alternatives program (which got \$820 million in FY 2015) – but then, the FAST Act also sets aside \$835 million per year in 2016 and 2017 and \$850 million per year in 2018, 2019 and 2020 from the STBGP and directs that the money “may be obligated for projects or activities described in [the TAP provisions of title 23] as such provisions were in effect on the day before the enactment of the FAST Act.” So all current law transportation alternatives are still grandfathered for that annual set-aside. An analysis by the Federal Highway Administration estimates that the amount of the set-aside directed to the recreational trails program will be \$84.16 million per year and the amount of the set-aside for the rest of the current law TAP will be \$750.84 million in 2016 and 2017 and \$765.84 million in 2018, 2019 and 2020. 50 percent of the non-recreational trails TAP set-aside will be suballocated to metro areas by population.

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**Sec. 1110. Highway use tax evasion projects.** Amends 23 U.S.C. §143(b) to reauthorize HUTE projects at \$4 million per year.

**Sec. 1111. Bundling of bridge projects.** Amends 23 U.S.C. §144 to allow and encourage states to bundle multiple bridge projects as a single bridge project for purposes of federal funding and approvals.

**Sec. 1112. Construction of ferry boats and ferry terminal facilities.** Amends 23 U.S.C. 147 to change the ferry boat formula factors and increase total funding of the program by \$13 million per year (from \$67 million to \$80 million).

**Sec. 1113. Highway safety improvement program.** Amends 23 U.S.C. §148 to make V2V, pedestrian hybrid beacons, median separation and other physical infrastructure safety projects eligible for HSIP funding, to allow states to opt out of collecting data on roads that have reverted to gravel, and to review best practices for CMV safety.

**Sec. 1114. Congestion mitigation and air quality improvement program.** Amends 23 U.S.C. §149 to make V2V equipment and port infrastructure projects for PM2.5 CMAQ-eligible and to allow states with population densities of 8 ppsm or fewer an exemption from §149(g)(3) under some circumstances.

**Sec. 1115. Territorial and Puerto Rico highway program.** Amends 23 U.S.C. §165 to increase Puerto Rico's annual program from \$150 million to \$158 million and to increase the annual territorial program from \$40 million to \$42 million.

**Sec. 1116. National highway freight program.** Rewrites 23 U.S.C. §167 to create a new formula freight program that will direct from between \$1.15 billion (in FY 2016) to \$1.50 billion (in FY 2020) per year of total highway formula apportionments to a new formula freight program. Larger states (any state which has over 2 percent of the US total of mileage on the National Highway Freight Network) would be required to spend their annual freight apportionment on projects on the primary highway freight system, on critical rural freight corridors, or critical urban freight corridors (all of which get designated pursuant to provisions in section 1116). States with less than 2 percent of the total NHFN miles would be able to spend their money on projects on any part of the NHFN within that state.

States can obligate up to 10 percent of their total freight apportionment for intermodal or freight rail projects. The specifics of the projects on the NHFN that are eligible under the program are on pages 104 to 107 of the conference report.

**Sec. 1117. Federal lands and tribal transportation programs.** Amends 23 U.S.C. §201 to increase tribal transportation program data collection and reporting.

**Sec. 1118. Tribal transportation program amendment.** Amends 23 U.S.C. §202 to decrease the amount of the program that goes to admin expenses each year from 6 percent to 5 percent and transfers that money to bridges on Indian reservations.

**Sec. 1119. Federal lands transportation program.** Amends 23 U.S.C. §203 to make conforming changes to allow the Bureau of Reclamation to participate in the Federal Lands Transportation Program.

**Sec. 1120. Federal lands programmatic activities.** Amends 23 U.S.C. §201 to allow better coordination between the Transportation and Interior departments.

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**Sec. 1121. Tribal transportation self-governance program.** Adds a new 23 U.S.C. §207 to establish a program whereby certain Indian tribes with well-audited books can participate in a self-government program and administer their own federal-aid highway programs.

**Sec. 1122. State flexibility for National Highway System modifications.** Directs DOT, within 90 days of enactment, to issue guidance 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.

**Sec. 1123. Nationally significant Federal lands and tribal projects program.** Establishes a new discretionary grant program for large programs on federal and tribal lands at a federal share of up to 90 percent. Authorizes the appropriation of up to \$100 million per year from the general fund for the program.

### Subtitle B—Planning and Performance Management

**Sec. 1201. Metropolitan transportation planning.** Amends 23 U.S.C. § 134 to increase planning emphasis on several new items. The section specifically directs planners to include considerations of resiliency and responsiveness to natural disasters; emphasize intermodal transfer facilities and the accessibility effects of intercity bus services and facilities; public ports; and travel and tourism. The section also clarifies that “private transportation” should include consideration of intercity bus operators and employer-based commuting programs. There is also a provision that an MPO serving a transportation management area may develop a congestion management plan that considers regional goals to reduce VMT during peak times, improved job access to low income areas, and other projects that can reduce congestion. The section clarifies that a representative from a public transportation provider may also serve as a representative for a local municipality. The section includes some clarifications for the Bi-State MPO region around Lake Tahoe.

**Sec. 1202. Statewide and nonmetropolitan transportation planning.** Amends 23 U.S.C. § 135 increase planning emphasis on several new items. The section specifically directs planners to include considerations of resiliency and responsiveness to natural disasters; emphasize intermodal transfer facilities and the accessibility effects of intercity bus services and facilities; public ports; and travel and tourism. The section also clarifies that “private transportation” should include consideration of intercity bus operators and employer-based commuting programs.

### Subtitle C—Acceleration of Project Delivery

**Sec. 1301. Satisfaction of requirements for certain historic sites.** Amends §138 of title 23, United States Code. Adds paragraph “Satisfaction of requirements for certain historic sites.” Requires the Secretary to align, to the maximum extent practicable, with requirements of the National Environmental Policy Act of 1969. Requires the establishment of procedures to satisfy aforementioned requirements no later than 90 days of passing bill, coordinated with Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation. Includes language about an analysis required under National Environmental Policy Act that has no alternative to avoiding use of a historic site. Lists required parties to notify for the Secretary. If the notified parties each provide a concurrence, no further

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analysis is required. Notice of determination, plus each relevant concurrence, shall be included in the record of decision of finding of no significant impact of the Secretary and be posted on the appropriate Federal website no later than 3 days after receipt by the Secretary. Outlines requirements for aligning historical reviews among the Secretary and concurring parties.

Amends §303 “Policy on lands, wildlife and waterfowl refuges, and historic sites” of title 49, United States Code. Adds paragraph “Satisfaction of requirements for certain historic sites.” Requires the Secretary to align, to the maximum extent practicable, with requirements of the National Environmental Policy Act of 1969. Requires the establishment of procedures to satisfy aforementioned requirements no later than 90 days of passing bill, coordinated with Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation. Includes language about an analysis required under National Environmental Policy Act that has no alternative to avoiding use of a historic site. Lists required parties to notify for the Secretary. If the notified parties each provide a concurrence, no further analysis is required. Notice of determination, plus each relevant concurrence, shall be included in the record of decision of finding of no significant impact of the Secretary and be posted on the appropriate Federal website no later than 3 days after receipt by the Secretary. Outlines requirements for aligning historical reviews among the Secretary and concurring parties.

**Sec. 1302. Clarification of transportation environmental authorities.** Amends §138 of title 23, United States Code, as amended by section 1301. Adds paragraph “References to past transportation environmental authorities.” Defines section 4(f) and section 106 requirements.

Amends §303 of title 49, United States Code, as amended by section 1301. Adds paragraph “References to past transportation environmental authorities.” Defines section 4(f) and section 106 requirements.

**Sec. 1303. Treatment of certain bridges under preservation requirements.** Amends §138 of title 23, United States Code, as amended by 1302. Adds paragraph “Bridge exemption from consideration.” Classifies a common post-1945 concrete steel bridge or culvert as exempt from individual review under §306108 of title 54. Amends §303 of title 49, United States Code, as amended by section 1302. Adds paragraph “Bridge exemption from consideration.” Classifies a common post-1945 concrete steel bridge or culvert as exempt from individual review under §306108 of title 54.

**Sec. 1304. Efficient environmental reviews for project decisionmaking.** Amends §139(a) of title 23, United States Code. Redefines the term “multimodal project.” Redefines the term “project” and adds consideration of Federal funding or financing.

Amends §139(b)(3) of title 23, United States Code. Strikes “initiate a rulemaking to.” Strikes paragraph (B) and inserts “Requirements” for programmatic reviews.

Amends §139(c) of title 23, United States Code. Inserts language allowing an operating administration assigned by the Secretary. Amends paragraph (6) by adding agency role to consider and response to comments received from

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participating agencies on matters within the special expertise or jurisdiction of those agencies.

Amends §139(d)(2) of title 23, United States Code. Changes deadline from “as early as practicable in the environmental review process” to no later than 45 days after the day of a publication of a notice of intent to prepare an environmental impact statement or initiation of an environmental assessment.

Amends §139(d) of title 23, United States Code. Adds language required all Federal permits and review for a project to rely on a single environment document prepared under the National Environmental Policy Act of 1969, to the extent practicable and consistent with Federal Law. Requires lead agency to develop an environmental document sufficient to satisfy the requirements for any Federal approval or other Federal action required for the project, including permits. Requires other participating agencies to cooperate with lead agency and provide timely information, and ensure that the agency making approval or taking action is treated as being both a participating and cooperating agency for the project. Requires an agency participating in environmental review process to provide comments, responses, studies, or methodologies on those areas within the agency’s special expertise or jurisdiction and use the process to address any environmental issues of concern to the agency.

Amends §139(e) of title 23, United States Code. Inserts language about notifying the Secretary about additional information considered important regarding the type of work, termini, length, and general location of proposed project. Requires Secretary to provide written response to project sponsor no later than 45 days after Secretary receives notification. Lists requirements for Secretary’s written response, including either initiating environmental review process or declining the application. Allows a project sponsor to submit to the Secretary a request to designate the operating administration or secretarial office within the Department of Transportation with the necessary expertise to service as the Federal lead agency for the project. Requires Secretary to respond to request no later than 45 days after receiving. Lists requirements for the Secretary’s response. Requires a project’s lead agency to develop, as appropriate, an environmental checklist to help project sponsors identify potential natural, cultural, and historic resources in project area. Defines purpose of this checklist.

Amends §139(f) of title 23, United States Code. Amends paragraph (4) “Alternatives Analysis.” Strikes paragraph (A) and inserts language regarding involvement by participation agencies and the public in determining the range of alternatives to be considered for a project. Outlines requirements for range of alternatives determined, which shall be used for all Federal environmental reviews and permit processes required for the project unless alternatives must be modified. Lists circumstances where alternatives would be modified. Adds language addressing reducing duplication in the evaluation process. Allows the lead agency to eliminate from detailed consideration an alternative proposed in an environmental impact statement. Lists potential reasons for elimination.

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Amends §139(g)(1) of title 23, United States Code. Requires lead agency to prepare an environmental impact statement or the initiation of an environmental assessment no later than 90 days after publication of notice of intent. Requires lead agency to establish schedule of completion of environmental review process as part of its coordination plan.

Amends §139(g)(3) of title 23, United States Code. Requires Congressional report submitted by Secretary to also be published online.

Amends §139(h) of title 23, United States Code. Redesignates paragraphs. Inserts language about any issues resolved by the lead agency with the concurrence of participating agencies, which may not be reconsidered unless significant new information or circumstances arise.

Amends §139(h)(5)(C) of title 23, United States Code, according to redesignated paragraphs.

Amends §139(h)(7)(B) of title 23, United States Code, according to redesignated paragraphs. Revises description of date as 30 days after the date for rendering a decision as described in project schedule established in coordination plan, as well as requirements in the case of no schedule.

Amends §139(j) of title 23, United States Code. Strikes paragraph (1) and inserts new language. Allows public entity receiving financial assistance from the Department of Transportation under this title to provide funds for agencies and entitles participating in the environmental review process for the project or program. These funds may be provided only to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes.

Amends §139(j)(2) of title 23, United States Code. Inserts “activities directly related to environmental review process” as activities eligible for funding.

Amends §139(j) by striking paragraph (6) and inserting provision “Agreement.” Requires the affected agency and the requesting public entity, prior to providing funds approved by the Secretary for dedicated staffing, to enter an agreement that establishes the projects and priorities to be addressed by the use of the funds.

Amends §139 of title 23, United States Code. Adds paragraph (n) “Accelerated decisionmaking in environmental reviews.” Allows lead agency to use errata sheets rather than rewriting draft environmental impact statement in the case of modifying in response to minor comments and factual corrections or explanations of why the comments do not warrant additional agency response. Outlines requirements for content of errata sheets. Requires lead agency to develop a single document that consists of a final environmental impact statement and a record of decision, and lists exceptions. Adds paragraph (o) “Improving transparency in environmental reviews.” Requires the Secretary to make publicly available no later than 18 months after bill’s enactment the status and progress of projects requiring an environmental assessment or environmental impact statement, and the names of participating agencies not participating in development of project purpose and need and range of alternatives. Also requires the Secretary to issue reporting standards to meet the aforementioned requirements. Requires a Federal agency participating in the

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environmental review or permitting process to provide to the Secretary information regarding status and progress of the approval of the project for online publication, consistent with standards established by the Secretary. Requires the Secretary to encourage State and local agencies participating in the environmental review permitting project for a project to provide information regarding the status and approval of the public for online publication. Requires a State with delegated authority for responsibilities under the National Environmental Policy Act of 1969 to be responsible for supplying to the Secretary project development and compliance status for all applicable projects.

Conforming amendment, which repeals §1319 of MAP-21 and the related item in section 1(c) of that Act.

Requires the Secretary to complete a rulemaking, no later than 1 year after enacting bill, to implement provisions of §139(b)(3) of title 23, United States Code, as amended by this section. Requires the Secretary to consult with relevant Federal and State agencies, State departments of transportation, Indian tribes, and the public on appropriate use and scope of programmatic approaches before initiating rulemaking. Requires the Secretary to ensure that rulemaking meets requirements of §139(b)(3)(B) of title 23, United States Code, as amended by this section. Requires the Secretary to allow no fewer than 60 days for public notice and comment on the proposed rule and address any comments received.

**Sec. 1305. Integration of planning and environmental review.** Amends §168 of title 23, United States Code. Lists definitions for environmental review process, lead agency, planning product, project, project sponsor, and relevant agency. Allows agencies meeting specific requirements 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. Lists requirements relevant agencies must meet. Requires relevant agency to identify agencies that participated in development of planning products. Allows relevant agency to adopt or incorporate by reference an entire planning product or select portions of a planning project. Outlines timing for when determination can be made by relevant agency. Outlines planning decisions and analyses from planning product that the relevant agency in the environmental review process may adopt or incorporate by reference. Outlines conditions in which relevant agency in environmental review process may adopt or incorporate by reference a planning product. Allows any planning product adopted or incorporated by reference by the relevant agency to be incorporated directly into an environmental review process document, other environmental document, or used by other Federal agencies in carrying out reviews of the project. Outlines rules of construction.

**Sec. 1306. Development of programmatic mitigation plans.** Amends §169(f) of title 23, United States Code. Striking “may use” and inserting “shall give substantial weight to” regarding recommendations in a programmatic mitigation plan. Adds language including other Federal environmental law.

**Sec. 1307. Technical assistance for States.** Amends §326 of title 23, United States Code. Redesignates paragraphs. Inserts new paragraph about State technical



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assistance, training, or other support as requested by a State Governor. Allows the Secretary to terminate the participation of any State based on circumstances outlined.

**Sec. 1308. Surface transportation project delivery program.** Amends §327 of title 23, United States Code. Amends subsection (c)(4), allowing State to provide the Secretary any information considered reasonably necessary, rather than necessary. Amends subsection (e), allowing State to assume responsibility in lieu and without further approval of the Secretary. Amends subsection (g) by inserting language ensuring compliance by each State participation in program and outlines required audits for compliance. Adds provision about audit team as determined by the Secretary and allows State to review and provide comments on proposed members of audit team. Inserts provision about Secretary terminating a State participating according to circumstances outlined. Allows the Secretary to carry out education, training, peer-exchange and other initiatives, with cooperation of State officials. Outlines purposes of such programs. Allows a State 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.** Intended to eliminate duplication of environmental reviews and approvals. Amends Chapter 3 of title 23, United States Code to add “§330. Program for eliminating duplication of environmental reviews.” Requires the Secretary to establish a pilot program to authorize States and approved to participate in order to conduct environmental reviews and make approvals for projects. Secretary may not select more than 5 States to participate. Defines “alternative environmental review and approval procedures.” Outlines eligibility requirements to participate in pilot program. Outlines application review process for the Secretary, requiring applications to be approved or disapproved no later than 120 days after date of receipt. Outlines requirements for approving an application. Inserts provision “Exclusion,” whereby the National Environmental Policy Act of 1969 shall not apply to an approval or disapproval decision by the Secretary. Outlines judicial review process for any civil action against a State regarding requirements of this section. Allows a State participating in programs under this section and section 327 to apply the National Environmental Policy Act of 1969 instead of the alternative environmental review and approval procedures of the State. Allows other Federal agencies with authority over a project to adopt or incorporate by references documents produced by a participating State. Allows State with an approved program to exercise authority on behalf of up to 25 local governments for local administered projects. Outlines requirements for up to 25 local governments in which State is responsible for ensuring that any environmental review, consultation, or other NEPA required program meets requirements of the Act. Outlines process for review of State program by the Secretary, including extensions and terminations. Requires the Secretary to submit a Congressional report no later than 2 years after enactment of bill and annually thereafter describing administration of program. Outlines requirements of report. Program will terminate 12 years after enactment of this section. Lists definitions of terms regarding rulemaking. Requires the Secretary

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to promulgate regulations to implement requirements of §330 of title 23, United States Code, as added by this section no later than 270 days after enactment of this section. Requires establishment of criteria necessary to determine whether a State law or regulation is at least as stringent as a Federal requirement, as described in §330(a)(3) of title 23, United States Code. Outlines minimum requirements of criteria. Includes clerical amendment for analysis for chapter 3 of title 23, United States Code.

**Sec. 1310. Application of categorical exclusions for multimodal projects.**

Amends §304 of title 49, United States Code. Redefines cooperating authority and lead authority. Allows lead authority to apply categorical exclusions designated by NEPA in implementing regulations or procedures. Outlines conditions of such application. Allows cooperating authority to provide expertise to lead authority on aspects of multimodal project.

**Sec. 1311. Accelerated decisionmaking in environmental reviews.** Amends title 49, United States Code by inserting “§304a. Accelerated decisionmaking in environmental reviews.” Allows lead agency to use errata sheets in place of rewriting draft statement. Outlines requirements for errata sheets. Requires lead agency to develop a single document consisting of final environmental impact statement and record of decision, and lists exceptions. Outlines process for avoiding duplication through adoption and incorporation by reference of documents. Includes conforming amendment for chapter 3 of title 49, United States Code.

**Sec. 1312. Improving State and Federal agency engagement in environmental reviews.** Amends title 49, United States Code by inserting “§307. Improving State and Federal agency engagement in environmental reviews.” Allows public entity receiving financial assistance to eligible agencies participating in environmental planning and receive process. Outlines eligible use of funds and activities eligible for funding. Amounts are determined as necessary by the Secretary. Requires affected Federal agency and requesting public entity to enter in an agreement identifying projects and priorities addressed prior to funds provided. Requires the Secretary to issue guidance on implementing this section no later than 180 days after enactment of section. Outlines factors for guidance. Includes provisions for existing authority and conforming amendments.

**Sec. 1313. Aligning Federal environmental reviews.** Amends title 49, United States Code by inserting “§310. Aligning Federal environmental reviews.” Requires the Secretary along with relevant heads of Federal agencies to develop a coordinated and concurrent environmental review and permitting process for transportation projects when initiating an environmental impact statement under NEPA. Outlines content for environmental review and permitting process developed. Requires Secretary and Federal agencies of jurisdiction, no later than 90 days after enactment of section, to jointly develop a checklist to help project sponsors identify potential natural, cultural, and historic resources in project area. Outlines purpose of checklist. Requires the Secretary to facilitate annual interagency collaboration sessions at the appropriate jurisdictional level. Outlines purpose of collaboration, focus, and entities to be consulted. Requires the Secretary, no later than 1 year after enactment of section, to establish a program to measure and report

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on progress toward aligning Federal reviews and reducing permitting and project delivery time. Requires the Secretary to submit a Congressional report describing progress and impact of this section no later than 2 years after date of enactment. Requires Inspector General of the Department of Transportation to submit a Congressional report describing progress and impact of this section no later than 3 years after date of enactment of this section. Includes savings provision and conforming amendment.

**Sec. 1314. Categorical exclusion for projects of limited Federal assistance.**

Amends §1317 of MAP-21. Includes language adjusting for inflation to reflect any increases in Consumer Price Index. Requires retroactive adjustments to be made no later than 60 days after enactment of this Act.

**Sec. 1315. Programmatic agreement template.** Amends §1318 of MAP-21. Adds paragraph (e) “Programmatic Agreement Template,” requiring the Secretary to provide an efficient and adequate procedures for evaluating Federal actions described in §771.117(c) of title 23, United States Code. Outlines use of template and outcome measurements to verify actions are evaluated and documented in a consistent manner. Requires the Secretary to revise §771.117(g) of title 23, Code of Federal Regulations no later than 30 days after date of enactment of this Act according to listed criteria.

**Sec. 1316. Assumption of authorities.** Requires the Secretary to use authority under §106(c) of title 23, United States Code to allow State to assume responsibilities of the Secretary for project design, plans, specifications, estimates, contract awards, and inspection of projects (both project-specific and programmatic). Requires the Secretary to submit a Congressional report no later than 18 months after enactment of this Act with recommendations for legislation to permit the assumption of additional authorities by States.

**Sec. 1317. Modernization of the environmental review process.** Requires the Secretary, no later than 180 days after enactment of this Act, to examine ways to modernize, simplify, and improve the implementation of NEPA by the Department. Lists items and methods to consider. Requires the Secretary to submit a Congressional report no later than 1 year after enactment of this Act describing results of review.

**Sec. 1318. Assessment of progress on accelerating project delivery.** Requires the Comptroller General of the United States, no later than 2 years after enactment of this Act, to assess progress made under this Act, MAP-21, and SAFETEA-LU to accelerate delivery of surface transportation projects by streamlining the environmental review and permitting process. Outlines contents of assessment and criteria for recommendations. Requires the Comptroller General to submit a Congressional report containing assessment and recommendations.

### Subtitle D—Miscellaneous

**Sec. 1401. Prohibition on the use of funds for automated traffic enforcement.** Prohibits any federal HSIP money apportioned for FYs 2016-2020 from being used to purchase, operate or maintain an automated traffic enforcement system.

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**Sec. 1402. Highway Trust Fund transparency and accountability.** Adds a new 23 U.S.C. §104(g) to direct DOT to implement, within 180 days of enactment, 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.** Adds a new 23 U.S.C. §105 to provide that if any further legislation is enacted (after the FAST Act) that makes special deposits in the HTF, that money will be automatically added to highway and transit formula programs on a pro rata basis and automatically made available for obligation. (This is not the same as the earlier House language, which also allowed for upwards or downwards changes to HTF spending levels based on fluctuating tax receipts compared to the CBO estimates at the time of enactment.)

**Sec. 1404. Design standards.** Amends 23 U.S.C. §109 to change the NHS aesthetics requirement in (c)(1) from “may take into account” to “shall consider” and add a consideration for cost savings by utilizing design flexibility and amends (c)(2) to make reference to new AASHTO publications. Provides that notwithstanding §109 states may allow localities to use different roadway design publications under certain circumstances.

**Sec. 1405. Justification reports for access points on the Interstate System.** Amends 23 U.S.C. §111 to amend the ability of state DOTs to perform the justification reports for new Interstate interchange requests to also include modified interchanges inside a TMA.

**Sec. 1406. Performance period adjustment.** Amends 23 U.S.C. §119 and §148 to change reporting period durations..

**Sec. 1407. Vehicle-to-infrastructure equipment.** Amends 23 U.S.C. §118 and §133 to make the installation of V2V communication equipment NHPP and STBGP eligible.

**Sec. 1408. Federal share payable.** Amends 23 U.S.C. §120 to add innovative design approaches and innovative long-life-cycle pavement materials to the special 100 percent federal share category.

**Sec. 1409. Milk products.** Amends 23 U.S.C. §127 to make tankers of fluid milk products an indivisible load.

**Sec. 1410. Interstate weight limits.** Amends 23 U.S.C. §127 to provide that Interstate weight limits do not apply to heavy-duty tow trucks that are towing disabled vehicles or to vehicles on the future I-69 in Texas that are currently allowed on those roads or to logging vehicles on Interstate 39 in Wisconsin or to vehicles on a segment of U.S. 63 in Arkansas or to logging vehicles on I-35 in Minnesota or to certain firefighting vehicles or to natural gas vehicles if the natural gas tank’s extra weight is the overage over 82,000 pounds.

**Sec. 1411. Tolling; HOV facilities; Interstate reconstruction and rehabilitation.** Amends 23 U.S.C. §129 and §166 to strike §129(a)(4) (limitation on conversion of Interstate HOV lanes) and provide over-the-road buses the same access to toll facilities as public transportation buses. Amends §166 to allow greater tolling of HOV facilities by public authorities. Amends section 1216(b) of TEA21 to set a 3-year sunset on toll pilot project applications provisionally approved by USDOT.

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Provides that USDOT can approve an application under section 1604(c) of SAFETEA-LU if any part of the application met the deadline.

**Sec. 1412. Projects for public safety relating to idling trains.** Amends 23 U.S.C. §130 to make “projects at grade crossings to eliminate hazards posed by blocked grade crossings due to idling trains” eligible for §130 grade crossing money.

**Sec. 1413. National electric vehicle charging and hydrogen, propane, and natural gas fueling corridors.** Adds a new 23 U.S.C. §151 directing USDOT, within 1 year of enactment, to designate national electric vehicle charging and hydrogen/propane/NG fueling corridors. Allows GSA to install, construct, operate and maintain battery charging stations for federal employees in federal employee private vehicle parking areas.

**Sec. 1414. Repeat offender criteria.** Amends 23 U.S.C. §164 to allow 24-7 sobriety programs to be used instead of ignition interlocks or complete license suspensions and to define “special exception” under interlock laws.

**Sec. 1415. Administrative provisions to encourage pollinator habitat and forage on transportation rights-of-way.** Amends 23 U.S.C. §319 to require USDOT to encourage integrated vegetation management practices on rights-of-way and encourage habitats for pollinating species.

**Sec. 1416. High priority corridors on National Highway System.** Amends section 1105(c) of ISTEA to redefine high priority corridors in North Carolina, Texas, Nevada, Arizona, New York, and Oregon. Amends section 1105(e)(5) of ISTEA to change certain Interstate designations. Amends section 119(a) of the SAFETEA-LU Corrections Act to redefine Interstate 66 in Kentucky.

**Sec. 1417. Work zone and guard rail safety training.** Amends section 1409 of SAFETEA-LU to make guard rail installation, maintenance and inspection training courses eligible.

**Sec. 1418. Consolidation of programs.** Amends section 1519(a) of MAP-21 to make the SAFETEA-LU legacy allocated safety programs that had been receiving \$3 million per year of FHWA administrative expenses instead receive a \$3.5 million per year set-aside from FHWA formula apportionments.

**Sec. 1419. Elimination or modification of certain reporting requirements.** Repeals section 6016(e) of ISTEA (fundamental properties of asphalt report) and section 1604(b)(7)(B) of SAFETEA-LU (express lanes demonstration program report).

**Sec. 1420. Flexibility for projects.** Allows the Secretary to “exercise all existing flexibilities under and exceptions to” title 23 and other statutes.

**Sec. 1421. Productive and timely expenditure of funds.** Requires the Secretary to develop guidance within one year of enactment to encourage the use of programmatic approaches for project delivery.

**Sec. 1422. Study on performance of bridges.** Directs FHWA to commission the Transportation Research Board to conduct a study on the performance of bridges that received funding under the innovative bridge research and construction program under the TEA21 law.

## Section-by-Section Summary of H.R. 22, the FAST Act

**Sec. 1423. Relinquishment of park-and-ride lot facilities.** Allows states to relinquish park-and-ride facilities to localities under certain conditions.

**Sec. 1424. Pilot program.** Allows FHWA to establish a pilot program allowing states to utilize innovative approaches to maintaining right-of-way for federal-aid highways.

**Sec. 1425. Service club, charitable association, or religious service signs.** Provides that, notwithstanding 23 U.S.C. §131 and 23 CFR part 750, signs of service clubs, charitable associations, or religious service organizations that exist as of the date of enactment or were removed in the previous 3 years and are less than 32 square feet shall be allowed.

**Sec. 1426. Motorcyclist advisory council.** Re-establishes a Motorcyclist Advisory Council to be appointed by the Secretary (acting through the FHWA Administrator) to advise the Administrator on motorcycle-related issues.

**Sec. 1427. Highway work zones.** Expresses the sense of Congress that FHWA should do more to protect workers in highway work zones.

**Sec. 1428. Use of durable, resilient, and sustainable materials and practices.** Directs DOT to encourage the use of durable, resilient and sustainable materials and practices, including geosynthetic materials.

**Sec. 1429. Identification of roadside highway safety hardware devices.** Directs DOT to conduct a study on methods for identifying roadside highway safety hardware devices to improve the data collected on the devices.

**Sec. 1430. Use of modeling and simulation technology.** Expresses the sense of Congress that DOT should utilize modeling and simulation technology.

**Sec. 1431. National Advisory Committee on Travel and Tourism Infrastructure.** Directs DOT to establish a National Advisory Committee on Travel and Tourism Infrastructure.

**Sec. 1432. Emergency exemptions.** Provides that any road, highway, railway, bridge, or transit facility damaged in a Stafford Act emergency that was in operation or under construction on the date of the emergency may be reconstructed in exactly the same capacity, dimensions and design under greatly expedited permitting procedures.

**Sec. 1433. Report on Highway Trust Fund administrative expenditures.** Requires GAO to report to Congress within 150 days of enactment a report on FHWA administrative expenses from the HTF, with an update 5 years later.

**Sec. 1434. Availability of reports.** Requires DOT to make all reports to Congress after the date of enactment available to the public on the Internet.

**Sec. 1435. Appalachian development highway system.** Amends section 1528 of MAP-21 to extend the timeframe of the 100 percent federal share for ADHS projects from the year 2021 to the year 2050 and to allow a state contribution if the state wishes.

**Sec. 1436. Appalachian regional development program.** Adds a new 40 U.S.C. §14509 to allow the Appalachian Regional Commission to expand broadband Internet access.

## Section-by-Section Summary of H.R. 22, the FAST Act

**Sec. 1437. Border state infrastructure.** Allows states that border Canada or Mexico to designate up to 5 percent of its STBGP funding for border infrastructure projects.

**Sec. 1438. Adjustments.** Rescinds \$7.569 billion of highway contract authority apportionments held by states on July 1, 2020. The rescission does not apply to safety-related apportionments or to money that was sub-allocated based on population. The amount to be rescinded shall be based pro rata on amounts of unobligated balances held by states on September 30, 2019 and within each state, the amount shall be proportionately applied to each program based on the unobligated balances in that program as of September 30, 2019.

**Sec. 1439. Elimination of barriers to improve at-risk bridges.** Temporarily prevents nesting swallows from preventing bridge projects with a component rating of 3 or less from moving forward under the Migratory Bird Treaty Act and directs the Interior Department to take longer-term actions.

**Sec. 1440. At-risk project preagreement authority.** Allows recipients of title 23 money to incur preliminary engineering costs in advance of project authorization under certain circumstances.

**Sec. 1441. Regional infrastructure accelerator demonstration program.** Directs USDOT to establish a regional infrastructure demonstration program and authorizes \$12 million in appropriations from the general fund in FY 2016.

**Sec. 1442. Safety for users.** Directs DOT to encourage states and MPOs to adopt standards that provide for safe and adequate accommodation of all users of the network including nonmotorized users.

**Sec. 1443. Sense of Congress.** Expresses the sense of Congress appreciating the contributions of the US engineering industry.

**Sec. 1444. Every Day Counts initiative.** Declares that it is in the national interest to shorten project delivery and that the FHWA Administrator should continue the Every Day Counts initiative.

**Sec. 1445. Water infrastructure finance and innovation.** Strikes section 5028(a)(5) of the Water Resources Reform and Development Act of 2014. §5028(a)(5) prevents WIFIA credit assistance from being provided to projects that are financed, in whole or in part, with tax-exempt municipal bonds.

**Sec. 1446. Technical corrections.** Makes technical corrections to titles 23 and 49 USC and the SAFETEA-LU and MAP-21 laws.

### TITLE II—INNOVATIVE PROJECT FINANCE

**Sec. 2001. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.** Amends §601(a) of title 23, United States Code. Inserts “capitalizing a rural projects fund” under eligible project costs. Revises language to apply to TIFIA program, rather than just the chapter. Expands definition for “project.” Expands definition for “rural infrastructure project” to encompass project located in area outside of an urbanized area with a population greater than 150,000 individuals. Adds “rural projects fund.” Defines rural projects fund and its purpose. Defines “state infrastructure bank.”

## Section-by-Section Summary of H.R. 22, the FAST Act

Amends §602 of title 23, United States Code for greater inclusion of TIFIA program. Revises “Eligible project costs” as “Eligible project cost parameters.” Revises eligibility for assistance as under TIFIA. Revises project eligibility to require both anticipated costs equal or exceed \$50,000,000 and 33 1/3 percent of the amount of Federal highway funds. Replaces subparagraph (B) with exceptions clause for intelligent transport systems projects regarding transit-oriented development, rural, and local infrastructure projects, and outlines eligible project costs for each project type. Edits provision regarding project readiness as part of eligibility for financial assistance and adds language regarding rural projects fund. Inserts provisions regarding master credit agreements under subsection (b) “Selection among eligible projects.”

Amends §603 of title 23, United States code. Expands language regarding limitation on refinancing of interim construction finance. Includes language regarding rural projects fund. Inserts new paragraph (f) “Streamlined application process,” requiring the Secretary to make available an expedited application process available by request of entities seeking secured loans under TIFIA, no later than 180 days after enactment of the Act. Lists terms of streamlined application process.

Amends §605 of title 23, United States Code for greater inclusion of TIFIA program. Adds new paragraph (f) “Assistance to small projects,” for eligible projects with reasonably anticipated project costs equal or exceeding \$75,000,000.

Amends §608 of title 23, United States Code, inserting language about TIFIA program and rural projects fund. Includes provision about limit of administrative costs.

Amends §609 of title 23, United States Code to include TIFIA program.

Amends §610 of title 23, United States Code. Defines “rural infrastructure project” and “rural projects fund.” Updates timeline of funds apportioned to fiscal years 2016 through 2020 for highway, transit, and rail accounts, and adds rural projects fund. Expands provisions regarding forms of assistance from state infrastructure banks.

**Sec. 2002. Availability payment concession model.** Amends §121(a) and §106(b)(1) of title 23, United States Code to include availability payments as a type of long-term concession agreement.

### TITLE III—PUBLIC TRANSPORTATION

**Sec. 3001. Short title.** Defines the short title as “Federal Public Transportation Act of 2015.”

**Sec. 3002. Definitions.** Amends sec. 5302 of USC 49 as follows. By clarifying expenditure for associated transit improvement on landscaping and streetscaping must be “functional.” Clarifying that expenditure on associated transit improvement can include “bicycle storage shelters and parking facilities and the installation of equipment.” Redefining the term capital project to include “leading equipment or a facility for use in public transportation.”

Amends sec. 5302 of USC 49, subtitle I to include additional requirements for how to spend formula apportionment under secs. 5307 and 5311.



## Section-by-Section Summary of H.R. 22, the FAST Act

Defines the term “value capture” to mean “recovering the increased property value to property located near public transportation resulting from investments in public transportation.”

**Sec. 3003. Metropolitan and statewide transportation planning.** Amends sec. 5303 of USC 49 as follows. By amending “bicycle and transportation facilities” to include intermodal facilities that support intercity transportation

By stating that the selection of MPO officials will be determined by law or by organizational enabling statute. States that a rep. of a public transportation operator may also serve as a rep. of a local municipality.

In subparagraph G, includes at the end: “and reduce the vulnerability of the existing transportation infrastructure to natural disasters.” In subparagraph H includes at the end the consideration of the role intercity buses play in “reducing congestion, pollution, and energy consumption.”

Introduces a Congestion Management Plan, that allows MPOs to develop a plan to be included in the TIP that develops regional goals to reduce VMT during peak commuting hours, improve connections between people and jobs, and identify potential project and programs that can reduce congestion.

Directs that a bi-state MPO region must be treated as an MPO and a transportation management area.

**Sec. 3004. Urbanized area formula grants.** Amends 5307 of USC 49 to create an exception to the urbanized area formula grants special rule that creates an allowance for partnerships between public transportation systems.

**Sec. 3005. Fixed guideway capital investment grants.** Amends sec. 5309 of USC 49 to introduce an optional early rating procedure for fixed guideway capital investment grants. Creates an expedited project delivery for capital investment grants pilot program, which aims to streamline the project delivery process for up to eight grants for new fixed guideway capital projects, core capacity improvement projects, or small start projects. This pilot specifically aims to expedite projects with less than 25 percent federal funding that are supported by public-private partnerships.

**Sec. 3006. Enhanced mobility of seniors and individuals with disabilities.**

Amends sec. 5310 of USC 49 to direct the Secretary to conduct a study that compiles innovative practices, program models, and new service delivery options. Introduces a pilot program for innovative coordinated access and mobility 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, which was established under E.O. 13330, 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 outstanding recommendations made by the council’s 2005 report.

## Section-by-Section Summary of H.R. 22, the FAST Act

**Sec. 3007. Formula grants for rural areas.** Amends sec. 5311 of USC 49 to define policy for allocating transportation funds between multiple Indian tribes within a single Tribal Statistical Area.

**Sec. 3008. Public transportation innovation.** Strikes sec. 5312 of USC 49, “Research, development, demonstration, and deployment projects,” and replaces it with “Public transportation innovation.” This section directs the Secretary to provide assistance for projects and activities that advance innovative public transportation research and development in accordance with requirements of this section. Directs the Secretary to select at least one facility to engage in research associated with low or no emission vehicles.

**Sec. 3009. Technical assistance and workforce development.** Amends sec. 5314 of USC 49 to include an annual evaluation of measurable outcomes and impacts of programs funded under subsections (b) and (c). Adds a section allowing the Secretary to undertake, or make grants and contracts for, programs that address human resource needs as they apply to public transportation activities. Directs the Secretary to establish a competitive grant program to assist in the development of innovative workforce development. Directs the Secretary to establish a national transit institute and award grants to a public 4-year, degree granting institution of higher education.

**Sec. 3010. Private sector participation.** Amends sec. 5315 of USC 49 to clarify that nothing within that section will alter the eligibilities, requirements, or priorities for assistance provide under this chapter.

**Sec. 3011. General provisions.** Amends sec. 5323 of USC 49 to allow rolling stock manufacturers that procure iron and steel produced in the U.S. to include the cost of that iron and steel in the domestic content calculation when such iron or steel is used in rolling stock frames and car shells. Directs to Secretary, upon denial of a Buy America waiver, to issue a written certification that the item is produced in the United States. Cuts off Seattle, WA transit apportionments unless the Appropriations Committees stop exempting their charter bus operations for Mariners games from federal charter bus regulations.

**Sec. 3012. Project management oversight.** Amends sec. 5327 of USC 49 to require, with the Secretary’s discretion, that federal oversight begin during the project development phase of a project.

**Sec. 3013. Public transportation safety program.** Amends sec. 5329 of USC 49 to provide the Secretary with increased authority to assist public transportation systems with severe safety needs.

**Sec. 3014. Apportionments.** Amends sec. 5336 of USC 40 to adjust apportionments. See [this table](#) for estimated year-by-year apportionments of FTA contract authority by state.

**Sec. 3015. State of good repair grants.** Amends sec. 5337 of USC 49 to stipulate that a grant for a capital project under this section is for 80 percent of the net project cost of the project.

**Sec. 3016. Authorizations.** Authorizes funds for FY 2016-2020. See [this table](#).

## Section-by-Section Summary of H.R. 22, the FAST Act

**Sec. 3017. Grants for buses and bus facilities.** Amends sec. 5339 of USC 49 to amend the Federal Transit Administration's Buses and Bus Facilities grant program to allow recipients in a specific state to pool their formula funds to allow for the accommodation of larger scale procurements. In addition, it reinstates a competitive grant bus program which includes 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. Also allows states to submit statewide applications for bus needs, which would allow the state to distribute competitively awarded funds.

**Sec. 3018. Obligation ceiling.** Sets obligation limits for funding made available from the Mass Transit Account of the HTF.

**Sec. 3019. Innovative procurement.** Reduces the barriers for transit agencies to develop and enter into leasing arrangements for public transportation equipment or facilities by removing existing regulatory requirements that have impeded the authority of transit agencies seeking to reduce long-term capital costs.

**Sec. 3020. Review of public transportation safety standards.** Directs the Secretary to review the safety standards and protocols used in U.S. transit. Based on this review and consultation with industry, 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. 3021. Study on evidentiary protection for public transportation safety program information.** Directs the Secretary to work with TRB to evaluate whether it is in the public interest to withhold any proprietary information from discovery or admission into evidence in a federal or state court.

**Sec. 3022. Improved public transportation safety measures.** Directs the Secretary to issue a NPRM on protecting public transportation operators from risk of assault.

**Sec. 3023. Paratransit system under FTA approved coordinated plan.** Allows paratransit systems that are providing service for more than 40 fixed route agencies to be permitted to continue using the existing tiered, distance-based coordinated paratransit fare system.

**Sec. 3024. Report on potential of Internet of Things.** Directs the Secretary to submit to Congress a report on the potential for the Internet of Things to improve transportation services in rural, suburban, and urban areas.

**Sec. 3025. Report on parking safety.** Requires DOT to study the safety of transportation parking areas and approaches.

**Sec. 3026. Appointment of directors of Washington Metropolitan Area Transit Authority.** Declares that the Secretary of Transportation, not the GSA Administrator, shall appoint the federal members of the WMATA board.

**Sec. 3027. Effectiveness of public transportation changes and funding.** Directs the Comptroller General to examine and evaluate the impact of the changes that MAP-21 had on public transportation.

## Section-by-Section Summary of H.R. 22, the FAST Act

**Sec. 3028. Authorization of grants for positive train control.** Makes \$199 million available from the Mass Transit Account in FY2017 to assist in financing the installation of PTC. The funding is subject to the overall obligation limitation in section 3018 so the Appropriations Committees will have to reduce other FTA spending from the HTF in order to allow the \$199 million to be obligated (or increase the obligation limitation by \$199 million).

**Sec. 3029. Amendment to title 5.** Increases the pay of the FTA Administrator to make it equal to the FHWA Administrator in title 5, U.S.C.

**Sec. 3030. Technical and conforming changes.** Makes technical and conforming change to title 49, MAP-21, and other laws.

### TITLE IV—HIGHWAY TRAFFIC SAFETY

**Sec. 4001. Authorization of appropriations.** Authorizes HTF contract authority for NTHSA highway safety programs. See [this table](#).

**Sec. 4002. Highway safety programs.** Amends §402 of title 23, United States Code. Adds language regarding increasing driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities. Requires States that have an automated traffic enforcement system to use apportioned funds to conduct a biennial survey about the State's automated traffic enforcement systems, with the survey made available online. Outlines content of survey. Includes restriction clause, whereby nothing in the section is to be construed to authorize appropriation or expenditure of funds for non-safety highway projects. Requires the Secretary to coordinate with Governors Highway Safety Association to develop procedures allowing States to submit highway safety plans electronically. Expands scope of teen traffic safety to include increasing driver awareness of commercial motor vehicles and support for school-based driver's education classes.

**Sec. 4003. Highway safety research and development.** Amends §403 of title 23, United States Code. Requires Secretary to obligate from funds made available for period between fiscal years 2017 and 2020 (not more than \$21,248,000). Outlines research scope. Requires Secretary to establish procedures and guidelines ensuring that persons participating in program collecting data collection on drug and alcohol use is voluntary. Includes provision that federal share may not be exceed 100 percent.

**Sec. 4004. High-visibility enforcement program.** Amends §404 of title 23, United States Code to include high-visibility enforcement program. Requires Secretary to establish and administer program with at least 3 campaigns to be carried out between fiscal years 2016 and 2020. Outlines purpose and objectives of program. Allows Secretary to use funds for advertising purposes. Requires Secretary to coordinate with States to carry out campaigns and outlines conditions to consider. Includes provisions about use of funds and definition of terms.

**Sec. 4005. National priority safety programs.** Amends §405(a) of title 23, United States Code. Lists programs aimed at reducing highway deaths and injuries, which funds shall be allocated to.

## Section-by-Section Summary of H.R. 22, the FAST Act

Amends §405(b)(4)(B) of title 23, United States Code. Increases use of grant funds to 100 percent for projects eligible under section 402.

Amends §405(d) of title 23, United States Code, revises list of required programs for use of grants and available the funding set aside.

Amends §405(e) of title 23, United States Code. Allows grants to be awarded to any State that includes distracted driving awareness as part of its driver's license examination. Includes provision for State laws prohibiting texting while driving and prohibiting teenage drivers from using a personal wireless communications device while driving (with stated exceptions). Outlines stipulations for use of grants received under subsection. Allows additional grants for distracted driving programs for the fiscal years 2017 and 2018 and outlines stipulations for use of grants for these programs.

Amends §405(f) of title 23, United States Code. Allows grant allocation to be in proportion with State's apportionment of §402 in 2009 (but may not exceed 25 percent of the amount apportioned to the State under such section in fiscal year 2009). Adds provision about no more than 50 percent of grant funds received by State under this subsection for an eligible project if the State is in the lowest 25 percent of all States for motorcycle deaths. Adds paragraph about updating State model language to include instruction on sharing road safely with motorcyclists.

Amends §405(g) of title 23, United States Code. Amends language about driver's license laws and lists components to be included in such laws. Inserts a "special rule" provision, whereby a State may use up to 100 percent of grant funds received under this subsection if State is in lowest 25 percent of all States for number of drivers under age 18 involved in fatal crashes.

Amends §405 of title 23, United States Code by adding provision about nonmotorized safety. Allows the Secretary to award grants intended to decrease pedestrian and bicycle fatalities and injuries. Federal share may not exceed 80 percent. Outlines grant eligibility and stipulations for use of grant amounts. Grant amount under this subsection shall be in proportion to State's apportionment under section 402 for fiscal year 2009.

**Sec. 4006. Tracking process.** Amends §412 of title 23, United States Code. Adds provision for Secretary to develop a process to identify and mitigate possible systemic issues across States and regional offices.

**Sec. 4007. Stop motorcycle checkpoint funding.** Includes a provision whereby Secretary may not provide a grant intended for helmet usage or creating checkpoints that specifically target motorcycle operators or motorcycle passengers (notwithstanding §153 of title 23, United States Code).

**Sec. 4008. Marijuana-impaired driving.** Requires the Secretary, along with heads of other Federal agencies, to conduct a study on marijuana-impaired driving. Outlines issues to be examined and content of study, including recommendations for training law enforcement personnel, an impairment standard, and methodologies for increasing data collection. Congressional report shall be submitted no later than 1 year after enactment of this Act.

## Section-by-Section Summary of H.R. 22, the FAST Act

**Sec. 4009. Increasing public awareness of the dangers of drug-impaired driving.** Requires Administrator of NHTSA, in consultation with other entities, to identify actions that should be undertaken by the Administration to assist States in the efforts to increase public awareness of the dangers of drug-impaired driving. Congressional report shall be submitted no later than 60 days after enactment of this Act.

**Sec. 4010. National priority safety program grant eligibility.** Requires the Secretary to make publicly available online no later 60 days after enactment of this Act the States awarded grants under §405 of title 23, United States Code, states applied and not awarded, States that did not apply, and list of deficiencies that made a State ineligible.

**Sec. 4011. Data collection.** Amends §1906 of SAFETEA-LU. Adds provision regarding use of grant funds for data collection and evaluation of data results. Grant funds would be made available under §403 of title 23, United States Code, whereby the Secretary shall set aside \$7,500,000 for each fiscal year from 2017 to 2020. Allows the Secretary to reallocate any funds before the last day of each fiscal year to carry out activities under §403 to ensure maximum use possible.

**Sec. 4012. Study on the national roadside survey of alcohol and drug use by drivers.** Requires the Secretary, no later than 180 days after Comptroller General reviews and reports on overall value of National Roadside Survey, to submit Congressional report regarding progress towards reviewing that report and implementing any of its recommendations.

**Sec. 4013. Barriers to data collection report.** Requires Administrator of NHTSA, no later than 180 days after enactment of this Act, to submit a Congressional report identifying legal and technical barriers to data collection regarding the use of wireless communication devices while driving, and recommendations to address barriers.

**Sec. 4014. Technical corrections.** Amends title 23, United States Code for technical corrections.

**Sec. 4015. Effective date for certain programs.** Amendments made to §164, §402, and §405 of title 23, United States Code shall be effective on October 1, 2016 (notwithstanding any other provision of this Act).

### TITLE V—MOTOR CARRIER SAFETY

#### Subtitle A—Motor Carrier Safety Grant Consolidation

**Sec. 5101. Grants to States.** Amends 31102 of title 49, USC, to introduce a motor carrier safety assistance program that directs states to develop and submit safety plans to the Secretary. Included within this program is the direction that states will participate in FMCSA's information technology and data systems. Also directs states to address national priorities and performance goals. The Secretary will prescribe an allocation for funds made available under sec. 31104(a)(1), after taking out a deduction under sec. 31104(c). After the creation of a new allocation formula under sec. 5106, the Secretary must ensure that a state's federal funding does not decrease by more than 3 percent in a fiscal year.

## Section-by-Section Summary of H.R. 22, the FAST Act

Directs the operation of an innovative technology deployment grant plan that will make discretionary grants to eligible states of innovative technology deployment of commercial motor vehicle information systems and networks.

Amends sec. 31103 of title 49, USC, to direct the Secretary to administer a commercial motor vehicle operators grant program that will be funded under sec. 31104. This program will aim to train individuals on the safe operation of commercial motor vehicles.

**Sec. 5102. Performance and registration information systems management.**

Amends sec. 31106(b) of title 49 USC to strike “program in the subsection heading and replace it with “systems management.”

**Sec. 5103. Authorization of appropriations.** Amends subchapter I of chapter 311 of title 49, USC, to add an authorization of appropriations for FMCSA administrative costs. Also allows the Secretary to conduct internal and external outreach programs to be administered by FMCSA.

**Sec. 5104. Commercial driver’s license program implementation.** Amends sec. 31313 of title 49, USC, to introduce a commercial driver’s license program implementation financial assistance program.

**Sec. 5105. Extension of Federal motor carrier safety programs for fiscal year 2016.** Amends sec. 31104(a) of title 49 (USC) to extend funding for existing FMCSA programs for FY2016.

**Sec. 5106. Motor carrier safety assistance program allocation.** Directs the Secretary to establish a motor carrier safety assistance program formula working group, which will be directed to analyze requirements and factors for the establishment of a new allocation formula for the motor carrier safety assistance program under sec. 31102 of title 49, USC. The working group will be directed to make a recommendation to the Secretary within a year regarding a new allocation formula for the motor carrier safety assistance program. Prior to the development of the new allocation formula, the Secretary will be directed to calculate interim funding amounts. The new formula created through the working group will be adjusted to ensure that each state’s total apportionment will not be less than 97 percent of the average amount of funding received between FY13-FY15.

**Sec. 5107. Maintenance of effort calculation.** If the new formula, as directed by sec. 5106, has not been created by FY17, the Secretary will calculate apportionments by averaging expenditures for FY04 and FY05 required by sec. 31102(b)(4) of title 49 USC. In subsequent years, the Secretary may use the same methodology. When the new formula is instated, the Secretary may waive or modify the baseline maintenance of effort required of the state by sec. 31102(f) of title 49, USC.

### **Subtitle B—Federal Motor Carrier Safety Administration Reform**

#### **PART I—REGULATORY REFORM**

**Sec. 5201. Notice of cancellation of insurance.** Amends sec. 13906(e) of title 49, USC, to insert “or suspend” after “revoke.”

## Section-by-Section Summary of H.R. 22, the FAST Act

**Sec. 5202. Regulations.** Amends sec. 31136 of title 49, USC, to direct the Secretary to, within each regulatory impact analysis of a proposed or final major rule issued by FMCSA, to both consider the effects of the rule on various segments of the motor carrier industry and formulate estimates and findings based on best available science.

**Sec. 5203. Guidance.** Each guidance document issued by FMCSA is directed to have a date of issuance or date of revision that will include contact information of the point of contact at the Administration. It is also directed that each document be made available on the Internet website of the USDOT. Within five years of the publication of a guidance document, the Secretary is directed to incorporate the guidance into regulations. In addition, every five years the Administrator is directed to conduct a comprehensive review of the guidance documents issued by FMCSA.

**Sec. 5204. Petitions.** Directs the FMCSA Administrator to make available on the USDOT website all petitions for regulatory action submitted to the Administration. Directs the Administrator to formally respond to all petitions.

**Sec. 5205. Inspector standards.** Directs the FMCSA Administrator to revise the regulations under part 385 of title 49, USC, to incorporate by reference the certification standards for roadside inspectors as issued by the Commercial Vehicle Safety Alliance.

**Sec. 5206. Applications.** Amends sec. 31315(b) of title 49, USC, to clarify that an exemption by granted under the first paragraph of the section for no longer than five years, and may be renewed upon request.

### PART II—COMPLIANCE , SAFETY , ACCOUNTABILITY REFORM

**Sec. 5221. Correlation study.** Directs the FMCSA Administrator to commission the National Research Council of the National Academies to conduct a study of FMCSA's compliance, safety, and accountability program and its safety measurement system. Following the submittal of the report, if it identifies any areas of improvement, the Administrator is directed to submit a corrective action plan to the Senate Commerce committee.

**Sec. 5222. Beyond compliance.** Directs the Administrator to develop a process for identifying and reviewing advanced safety measures for use by motor carriers to receive recognition, including credit or an improved SMS percentile.

**Sec. 5223. Data certification.** Directs that no violation or crash data may be made public until the IG certifies that a report has been submitted up section 5221(c) and deficiencies have been addressed, and, if necessary, a corrective action plan has been implemented. Clarifies that inspection and violation information submitted to FMCSA by commercial vehicle inspectors and qualified law enforcement officials, etc, will remain available to the public.

**Sec. 5224. Data improvement.** Directs the Administrator to develop functional specifications to ensure the consistent and accurate input of data into systems and databases relating to the CSA program.



## Section-by-Section Summary of H.R. 22, the FAST Act

**Sec. 5225. Accident review.** Directs the Secretary to task the Motor Carrier Safety Advisory Committee with reviewing the treatment of preventable crashes under the SMS.

### Subtitle C—Commercial Motor Vehicle Safety

**Sec. 5301. Windshield technology.** Directs the Secretary to review the regulations in sec. 393.60(e) of title 49, USC, to exempt the voluntary mounting on a windshield of vehicle safety technology likely to achieve an appropriate level of safety.

**Sec. 5302. Prioritizing statutory rulemakings.** Directs the FMCSA administration to prioritize the completion of outstanding rulemakings.

**Sec. 5303. Safety reporting system.** Directs the Comptroller General to submit to the Senate Commerce committee a report on the cost feasibility of establishing a self-reporting system for commercial motor vehicle drivers or motor carriers with respect to end route equipment failures.

**Sec. 5304. New entrant safety review program.** Requires the Secretary to conduct an assessment of the new operator safety review program under 49 U.S.C. §31144(g) and report findings to Congress.

**Sec. 5305. High risk carrier reviews.** Directs the Secretary to review each motor carrier that demonstrates through performance data that it poses a high safety risk. The Secretary is also directed to publish a report the actions undertaken to comply with this section and the high-risk carriers reviewed.

**Sec. 5306. Post-accident report review.** Directs the Secretary to convene a working group to review data elements of post-accident reports, which should be reported back to the Secretary with findings, recommendations, and best practices.

**Sec. 5307. Implementing safety requirements.** Directs that for each rulemaking within subsection (c), that the Secretary will submit to the Senate Commerce committee a notification that includes when the rulemaking will be completed and if a deadline has been missed, why it has been missed.

### Subtitle D—Commercial Motor Vehicle Drivers

**Sec. 5401. Opportunities for veterans.** Amends sec. 31305 of title 49, USC, to direct the Secretary to modify its regulations to covered veterans from the commercial driving test if they drove similar vehicles while in service.

**Sec. 5402. Drug-free commercial drivers.** Amends sec. 31306 of title 49, USC, to permit motor carriers to conduct preemployment drug and alcohol testing. Provides an exemption for hair testing for operators with established religious beliefs that prohibit the removal of hair.

**Sec. 5403. Medical certification of veterans for commercial driver's licenses.** Directs that qualified physicians of a veteran operator may perform a medical examination and provide a medical certificate for purposes of compliance with sec. 31149 of title 49.

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**Sec. 5404. Commercial driver pilot program.** Directs the Secretary to establish a pilot program to study the feasibility, benefits and safety impacts of allowing a covered driver to operate a commercial motor vehicle in interstate commerce.

### Subtitle E—General Provisions

**Sec. 5501. Delays in goods movement.** Directs the IG to submit to the Senate Commerce committee a report on the average length of time that operators of commercial motor vehicles are delayed before loading and unloading of such vehicles and at other points in the pick-up delivery process.

**Sec. 5502. Emergency route working group.** Directs the Secretary to establish a working group to determine the best practices for expeditious state approval of special permits for vehicles involved in emergency response and recovery.

**Sec. 5503. Household goods consumer protection working group.** Directs the Secretary to establish a working group for the purpose of developing recommendations on how to best convey to consumers relevant information with respect to the federal laws concerning the interstate transportation of house hold goods by motor carrier.

**Sec. 5504. Technology improvements.** Directs the Comptroller General to conduct a comprehensive analysis of the information technology and data collection and management systems of the FMCSA.

**Sec. 5505. Notification regarding motor carrier registration.** Directs the Secretary to submit to the Senate Commerce committee a written notification of the actions that are being taken to ensure that each application for registration under sec. 13902 of title 49, USC is processed within 30 days of the date which it is received.

**Sec. 5506. Report on commercial driver's license skills test delays.** Directs the FMCSA Administrator to submit to the Senate Commerce committee a report that describes the status of skills tests for applicants for commercial drivers licenses across the states, and describes specific steps that are being taken to address skills testing delays.

**Sec. 5507. Electronic logging device requirements.** Amends sec. 31137(b) of title 49, USC, to add an exception that allows a motor carrier that is transporting a motor home or recreation vehicle trailer to comply with the hours of service requirements with a paper record or an electronic logging device.

**Sec. 5508. Technical corrections.** Amends title 49, USC, with technical corrections.

**Sec. 5509. Minimum financial responsibility.** Directs that if the Secretary proceeds with a rulemaking to determine whether to increase the minimum levels of financial responsibility required under sec. 31139 of title 49, USC, that the Secretary should consider the rulemaking's potential impacts on safety and the industry, among others. Also directs that the Secretary should first complete a study of the minimum financial responsibility requirements for motor carriers of passengers.

**Sec. 5510. Safety study regarding double-decker motorcoaches.** Directs the Secretary to conduct a study exploring the safety and pavement impacts of

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operating a double-decker motor coach equipped with a device designed by the motor coach manufacturer to attach to the rear of the motor coach for use in transporting passenger baggage.

**Sec. 5511. GAO review of school bus safety.** Directs the Comptroller General to submit to the Senate Commerce committee a review of the existing federal and state rules concerning school bus transportation of school children, and that examines any correlation between public or private school bus fleet operators whose vehicles are involved in an accident, and includes a regulatory framework comparison of public and private school bus operations.

**Sec. 5512. Access to National Driver Register.** Amends 49 U.S.C. §30305(b) to allow FMCSA to request states to provide information about drivers for FMCSA safety investigations.

**Sec. 5513. Report on design and implementation of wireless roadside inspection systems.** Directs the Secretary to submit to the Senate Commerce committee a report regarding the design, development, testing, and implementation of wireless roadside inspection systems.

**Sec. 5514. Regulation of tow truck operations.** Amends language in sec. 14501(c)(2)(c) of title 49, USC to clarify that the law does not preempt states from regulating voluntary towing of vehicles.

**Sec. 5515. Study on commercial motor vehicle driver commuting.** Directs the FMCSA Administrator to conduct a study on the safety effects of motor carrier operator commutes exceeding 150 minutes.

**Sec. 5516. Additional State authority.** Allows South Dakota to update and revise routes designated as qualifying federal-aid primary system highways under section 31111(e) of title 49 USC.

**Sec. 5517. Report on motor carrier financial responsibility.** Directs the Secretary to publish a report on the minimum levels of financial responsibility required under sec. 31139 of title 49, USC.

**Sec. 5518. Covered farm vehicles.** Amends sec. 32934(b)(1) of MAP-21 to clarify that states which enact laws or regulations that exempt or impose other minimum standards beyond those enumerated in subsection (a) for farm vehicles and the drivers of such vehicles will not lose federal transportation funds.

**Sec. 5519. Operators of hi-rail vehicles.** Creates an exemption that allows commercial motor vehicle drivers who are driving a hi-rail vehicle to not include their time in transportation to or from a duty assignment as part of their maximum on duty time.

**Sec. 5520. Automobile transporter.** Defines automobile transporter, truck tractor, backhaul, and stinger-steered automobile.

**Sec. 5521. Ready mix concrete delivery vehicles.** Amends sec. 5521 of title 49, USC, to include an exemption of the regulations included with section 31136 to not apply to any driver of a ready mixed concrete delivery vehicle, within certain parameters.

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**Sec. 5522. Transportation of construction materials and equipment.** Amends sec. 229(e)(4) of the Motor Carrier Safety Improvement Act of 1999 by expanding the air mile radius to 75.

**Sec. 5523. Commercial delivery of light- and medium-duty trailers.** Amends sec. 31111(a) of title 49, USC, by including definitions of trailer transporter towing unit and towaway trailer transporter combination, as well as introducing general limitations.

**Sec. 5524. Exemptions from requirements for certain welding trucks used in the pipeline industry.** Defines exemptions from certain regulations for covered motor vehicles.

**Sec. 5525. Report.** Directs the Secretary to submit to the Senate Commerce committee a report describing the safety and enforcement impacts of secs. 5520, 5521, 5522, 5523, 5524, and 7208 of this Act.

### TITLE VI—INNOVATION

**Sec. 6001. Short title.** Defines the short title as the “Transportation for Tomorrow Act of 2015.”

**Sec. 6002. Authorization of appropriations.** Defines authorizations for title VI. (See [this table](#).)

**Sec. 6003. Technology and innovation deployment program.** Amends sec. 503(c)(3) of USC 23 to direct the Secretary to annually issue a report on the costs and benefits from the deployment of new technology and innovations that are the direct result of the program within this section.

**Sec. 6004. Advanced transportation and congestion management technologies deployment.** Amends sec. 503(c) of USC 23 to direct the Secretary to 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. It provides for \$60 billion in grant money for each years of FY16-FY20.

**Sec. 6005. Intelligent transportation system goals.** Amends sec. 514(a) of USC 23 to include at the end the “enhancement of the national freight system and support to national freight policy goals.”

**Sec. 6006. Intelligent transportation system purposes.** Amends sec. 514(b) of USC 23 to include a provision to assist in the development of cybersecurity research.

**Sec. 6007. Intelligent transportation system program report.** Amends sec. 515(h)(4) of USC 23 to direct the annual Intelligent Transportation System Program report to be made available on the USDOT website on May 1 of each year.

**Sec. 6008. Intelligent transportation system national architecture and standards.** Amends sec. 517(a)(3) of USC 23 to replace “memberships are comprised of, and represent” with “memberships include representatives of.”

**Sec. 6009. Communication systems deployment report.** Amends sec. 518(a) of USC 23 to adjust the deadline of the communication systems deployment report to July 6, 2016.

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**Sec. 6010. Infrastructure development.** Amends chapter 5 of USC 23 to add at the end sec. 519 “Infrastructure development,” which ensures that funds made available under this chapter will be used primarily for development of ITS infrastructure, equipment, and systems, and to the maximum extent possible will not be used for the construction of physical infrastructure.

**Sec. 6011. Departmental research programs.** Amends sec. 102(e)(1) of USC 49 to define parameters of ITS research and development.

**Sec. 6012. Research and Innovative Technology Administration.** Repeals sec. 112 of USC 49 (which authorizes RITA, because RITA has since been abolished via the appropriations process and its functions transferred to OST).

**Sec. 6013. Web-based training for emergency responders.** Amends sec. 5115 (a) of USC 49 to insert “including online curriculum as appropriate,” after “a current curriculum of courses.”

**Sec. 6014. Hazardous materials research and development.** Amends sec. 5118 of USC 49 to allow the Secretary to conduct cooperative research on hazardous materials transport. Defines parameters of cooperative research to be conducted with the National Academies.

**Sec. 6015. Office of Intermodalism.** Repeals sec. 5503 of USC 49, the long-derunct office of intermodalism.

**Sec. 6016. University transportation centers.** Amends sec. 5505 of USC 49 to only allow institutions to receive only one grant per year from the university transportation centers program. Increases individual grants from being as large as \$3 million to \$4 million. Makes other minor changes to the UTC program.

**Sec. 6017. Bureau of Transportation Statistics.** Amends sec. 6302 of USC 49 to reauthorize the Bureau of Transportation Statistics.

**Sec. 6018. Port performance freight statistics program.** Amends chapter 63 of USC 49 to add at the end a port performance freight statistics program. This program would aim to provide nationally consistent measures of performance of the nation’s top 25 ports by tonnage, 20-foot equivalent unit, and dry bulk.

**Sec. 6019. Research planning.** Directs that federal transportation research planning should be coordinated by the Office of the Secretary and should be multimodal in nature.

Amends subtitle III of USC 49 to insert a chapter on research planning. This chapter directs the heads of each modal administration to annually submit a comprehensive modal research plan for the upcoming fiscal year. The Assistant Secretary will review these plans to ensure that not research is duplicated. It directs the Secretary to annually publish on a public website a comprehensive database of all research projects and annual budget requests. Finally, it directs the Secretary to develop a 5-year transportation research and development plan to guide future federal transportation research and development activities.

**Sec. 6020. Surface transportation system funding alternatives.** Directs the Secretary to establish a program to provide grants to states to demonstrate user-based alternative revenue mechanisms that utilize a user fee structure to maintain

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the long-term solvency of the HTF. Provides \$95 million over the life of the bill for such grants.

**Sec. 6021. Future interstate study.** Directs the Secretary to enter into an agreement with TRB to study the actions needed to upgrade and restore the Interstate Highway system. Provides \$5 million to conduct the study.

**Sec. 6022. Highway efficiency.** Directs the Secretary to conduct a study on the impact of pavement durability and sustainability on vehicle fuel consumption, vehicle wear and tear, road conditions, and road repairs.

**Sec. 6023. Transportation technology policy working group.** Directs the Secretary to convene an interagency working group to identify opportunities for coordination between the Department and universities in the private sector, and identify and develop a plan to address related workforce development needs.

**Sec. 6024. Collaboration and support.** Directs the Secretary to identify and solicit opportunities to collaborate with other federal research agencies to pursue the resolution of research challenges identified by the Secretary.

**Sec. 6025. GAO report.** Directs the Comptroller General to, within two years of enactment of the FAST Act, to submit a report to Congress that assesses the status of autonomous transportation technology policy developed by the public sector, assess the organization readiness of the USDOT's ability to address AV technology challenges, and recommends implementation paths for AVs.

**Sec. 6026. Traffic congestion.** Directs the Secretary to conduct research on the reduction of traffic congestion.

**Sec. 6027. Smart cities transportation planning study.** Directs the Secretary to conduct a study of digital technologies, including shared mobility, data, transportation network companies, and on-demand transportation services define what is occurring and best practices.

**Sec. 6028. Performance management data support program.** Directs the FHWA Administrator to develop and maintain data sets and data analysis tools to assist metropolitan planning organizations in carrying out performance management analyses.

### TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

**Sec. 7001. Short title.** Cites this title as the “Hazardous Materials Transportation Safety Improvement Act of 2015”

#### Subtitle A—Authorizations

**Sec. 7101. Authorization of appropriations.** Authorizes appropriations from the Highway Trust Fund, the Hazardous Materials Emergency Preparedness Fund (see [this table](#)). Clarifies that amounts made available under this section shall remain available until expended.

#### Subtitle B—Hazardous Material Safety and Improvement

**Sec. 7201. National emergency and disaster response.** Amends 49 U.S.C. § 5103 to allow the Secretary to waive compliance within this chapter if the Secretary

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determines that a waiver is in the public interest, safe, and necessary for transporting hazardous materials in and out of a major disaster area.

**Sec. 7202. Motor carrier safety permits.** Amends 49 U.S.C. § 5109(h) to limit the Secretary on denying non-temporary permits unless a carrier has submitted a corrective action plan and the plan is insufficient to address the safety concerns.

**Sec. 7203. Improving the effectiveness of planning and training grants.** Amends 49 U.S.C. § 5116 by creating Planning and Training grants that the Secretary can make to States and Indian Tribes to develop, improve, and carry out emergency plans, with particular emphasis on the transportation of hazardous materials in such emergencies. States and Indian Tribes receiving grants must match the grant by at least 50 percent over a 5 year period and must ensure that the training is coordinated with adjacent States and Indian Tribes. Grants can be used for tuition, travel, and other costs.

**Sec. 7204. Improving publication of special permits and approvals.** Amends 49 U.S.C. § 5117 to make slight changes to the reporting and approval to allow for public review, among other changes.

**Sec. 7205. Enhanced reporting.** Amends 49 U.S.C. § 5121(h) to instruct U.S. DOT to not transmit the reporting to the House Transportation and Infrastructure Committee but to rather post it on the U.S. DOT web site.

**Sec. 7206. Wetlines.** Instructs the Secretary to withdraw the January 2011 rule, entitled “Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids,” but allows the Secretary to recreate the rule.

**Sec. 7207. GAO study on acceptance of classification examinations.** Instructs GAO to create a study, within 180 days, that reviews the standards, metrics, and protocols that the Secretary uses to regulate the performance of persons approved to recommend hazard classifications, commonly referred to as “third-party labs”. Within 180 days of receiving the report, the Secretary needs to publish a plan based on the findings and recommendations of the report.

**Sec. 7208. Hazardous materials endorsement exemption.** Allows states to waive haz-mat endorsement for specific shippers if they are transporting farm materials, small quantities of diesel, and have appropriate markings.

### Subtitle C—Safe Transportation of Flammable Liquids by Rail

**Sec. 7301. Community safety grants.** Amends 49 U.S.C. § 5107, instructing the Secretary to create a competitive grant programs to nonprofit organizations for outreach and training programs for hazardous materials accident response.

**Sec. 7302. Real-time emergency response information.** Instructs the Secretary, within one year, to issue regulations that require Class I railroads report the transportation of hazardous materials to public officials for both ongoing trips and long term plans.

**Sec. 7303. Emergency response.** Instructs the Comptroller General to conduct a study to determine whether limitations or weaknesses exist in the emergency response information carrier by train crew transporting hazardous materials.

**Sec. 7304. Phase-out of all tank cars used to transport Class 3 flammable**

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**liquids.** Certain tank cars not meeting DOT-117, DOT-117P, or DOT-117R specifications must be phased out at various dates as indicated. The section gives the Secretary flexibility to extend some deadlines by up to 2 years under certain circumstances.

**Sec. 7305. Thermal blankets.** Requires that tank cars be equipped with an insulating blanket with at least ½ inch-thick material.

**Sec. 7306. Minimum requirements for top fittings protection for class DOT-117R tank cars.** Creates and outlines the minimum requirements for 117R tank cars.

**Sec. 7307. Rulemaking on oil spill response plans.** Requires the Secretary to produce quarterly reports to the House T&I Committee on the progress of the “Hazardous Materials: Oil Spill Response Plans for High-Hazard Flammable Trains” until the rule is finalized.

**Sec. 7308. Modification reporting.** Directs the Secretary to implement a reporting requirement to monitor industry-wide progress toward modifying rail tank cars used to transport Class 3 flammable liquids.

**Sec. 7309. Report on crude oil characteristics research study.** Based on the Crude Oil Characteristics Research Sampling, Analysis, and Experiment Plan study, the Energy and Transportation Secretaries are to submit recommendations for legislation and regulation that improve the safe transport of crude oil.

**Sec. 7310. Hazardous materials by rail liability study.** Instructs the Secretary to initiate a study on the levels and structure of insurance for rail- road carriers transporting hazardous materials.

**Sec. 7311. Study and testing of electronically controlled pneumatic brakes.** Instructs the Comptroller General to conduct an independent evaluation ECP brake systems, pilot program data, and the Department’s research and analysis on the costs, benefits, and effects of ECP brake systems.

### TITLE VIII—MULTIMODAL FREIGHT TRANSPORTATION

**Sec. 8001. Multimodal freight transportation.** Rewrites subtitle IX of title 49 U.S.C. The new section 70101 directs the Under Secretary of Transportation for Policy to oversee and implement national multimodal freight policy in accordance with the objectives laid out in that section. Section 70102 requires the Under Secretary to develop a National Freight Strategic Plan within two years of enactment. (This leaves the NFSP that DOT released a few weeks ago in limbo.) Section 70103 directs the Under Secretary to establish a National Multimodal Freight Network on an interim basis within 180 days of enactment, to consist of the National Highway Freight Network, Class I freight rail lines, public ports with over 2 million short tons per year, the inland and intracoastal waterway system, the Great Lakes and St. Lawrence Seaway, the 50 biggest cargo airports, and other strategic freight assets. The Under Secretary is to designate a final NMFN within one year of enactment under criteria listed in §70103, in cooperation with suggestions from states. The final network is to be redesignated every five years. Section 70201 directs USDOT to encourage states to establish freight advisory committees. Section



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70202 requires each state receiving funding under 23 U.S.C. §167 to develop a comprehensive freight plan. Section 70203 requires USDOT to develop new transportation investment and planning tools and methodologies. Section 70204 provides that nothing in this subtitle provides additional authority to regulate private freight traffic.

### **TITLE IX—NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU**

#### **Sec. 9001. National Surface Transportation and Innovative Finance Bureau.**

Adds a new 49 U.S.C. §116 to create a new National Surface Transportation and Innovative Finance Bureau within USDOT, to be headed by an Executive Director from SES (appointed by the Secretary with Presidential approval), who shall report to the Under Secretary of Transportation for Policy. The Bureau shall run the TIFIA, RRIF, and nationally significant freight and highway projects program and shall perform the role given to the Secretary for private activity bond allocation under section 142(m) of the Internal Revenue Code. The Bureau must work to develop innovative financing best practices and must ensure transparency in the application and approval process by requiring value-for-money analysis for all projects be publicly available. Directs the Bureau to serve as the DOT liaison for environmental permitting and shall support project sponsors in the approval process. Authorizes the Secretary to eliminate any DOT offices made redundant by the creation of the Bureau. Allows a 2-year transition period from the date of enactment during which the Secretary may transfer funds from existing offices to the new Bureau.

**Sec. 9002. Council on Credit and Finance.** Adds a new 49 U.S.C. §117 to create a new Council on Credit Finance (replacing the DOT Credit Council that serves without specific legal authorization). The Council shall consist of the Deputy and Under Secretaries, the DOT CFO and General Counsel, and the FHWA, FTA and FRA Administrators, plus up to 3 other at-large DOT officials. The Council shall review applications for credit assistance and make recommendations to the Secretary.

### **TITLE X—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY**

**Sec. 10001. Allocations.** Extends the Dingell-Johnson Sport Fish Restoration Act through 2021 and makes small changes in the allocation of funds from its Trust Fund.

**Sec. 10002. Recreational boating safety.** Allows the use of Dingell-Johnson money to reimburse Coast Guard expenses for recreational boat safety activities.

### **TITLE XI—RAIL**

**Sec. 11001. Short title.** Provides that this title may be cited as the “Passenger Rail Reform and Investment Act of 2015.”

#### **Subtitle A—Authorizations**

**Sec. 11101. Authorization of grants to Amtrak.** Authorizes general fund appropriations for Amtrak. See [this table](#) for annual funding levels under this subtitle. Authorizes DOT to withhold ½ of 1 percent for oversight.

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### **Sec. 11102. Consolidated rail infrastructure and safety improvements.**

Authorizes general fund appropriations for the consolidated grant program under section 11301 of this Act.

**Sec. 11103. Federal-State partnership for state of good repair.** Authorizes general fund appropriations for the federal-state SOGR grant program under section 11302 of this Act.

**Sec. 11104. Restoration and enhancement grants.** Authorizes general fund appropriations for the restoration and enhancement grant program under section 11303 of this Act.

**Sec. 11105. Authorization of appropriations for Amtrak Office of Inspector General.** Authorizes annual general fund appropriations for the Amtrak OIG.

**Sec. 11106. Definitions.** Amends 49 U.S.C. §24102 to add definitions of “long-distance route,” “National Network,” “state-of-good-repair,” and “State-supported route.”

### **Subtitle B—Amtrak Reforms**

**Sec. 11201. Accounts.** Adds a new 49 U.S.C. §24317 directing DOT and Amtrak to define a budget account structure to separate the Northeast Corridor and National Network into two distinct budget accounts. Federal appropriations, commuter rail payments, and operating surplus of the NEC are to be reserved for the NEC account, and Federal appropriations, state payments, and any operating surplus (ha!) of the NN are to be reserved for the NN account. Amtrak is to submit profit and loss statements for each account. Amtrak may transfer funds between accounts if they would not materially affect Amtrak’s ability to meet its goals and would not violate any grant agreements (subject to Congressional notification procedures).

**Sec. 11202. Amtrak grant process.** Adds a new 49 U.S.C. §24318 requiring Amtrak to establish and maintain internal controls to assure proper allocation of costs between the NEC and the National Network. Adds a new 49 U.S.C. §24319 directing the Secretary to establish and transmit to Congress substantive and procedural requirements for grant requests to Amtrak for each of its new appropriations accounts. Amtrak shall apply to USDOT for release of the appropriations, and DOT has 30 days to complete a review and decide whether or not to approve the application. Amtrak can modify rejected requests and there is a 15-day review period for modified requests. Requires specific information in Amtrak’s grant requests. Provides that, generally, appropriations shall be given to Amtrak 50 percent on October 1, 25 percent on January 1 and 25 percent on April 1 (but this may be changed if necessary). Provides that Amtrak appropriations remain available until expended and cannot be used to cross-subsidize commuter or freight rail. Repeals section 206 of the 2008 PRIIA law and 49 U.S.C. §24104.

**Sec. 11203. 5-year business line and asset plans.** Adds a new 49 U.S.C. §24320 requiring Amtrak to submit 5-year business line and asset plans by February 15 of each year to be “based on funding levels authorized or otherwise available to Amtrak in a fiscal year” (in other words, Amtrak can no longer base its business plans on pie-in-the-sky assumptions of future money from Congress). There shall be four business line plans: NEC, State-supported routes, long-distance routes, and

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ancillary services. Requires certain minimum contents of the plans. The new requirements for business line plans take effect 2-15-2017 and the asset line plan requirements take effect on 2-15-2019. Repeals section 204 of the 2008 PRIIA law.

**Sec. 11204. State-supported route committee.** Creates a new 49 U.S.C. §24712 requiring USDOT to establish a State-Supported Route Committee to promote mutual cooperation and planning pertaining to Amtrak's operation of state-supported routes. Members shall represent Amtrak, USDOT/FRA, and states – membership numbers are irrelevant since each of the three voting blocs will have one vote and the committee can only make decisions by unanimous 3 to 0 votes. The committee may amend the cost allocation methodology established under section 209 of PRIIA. Requires Amtrak to provide monthly invoices to states for the operation of state-supported routes. Provides for STB binding mediation of disputes between Amtrak and states over invoices and cost allocation. Repeals sec. 209 of PRIIA 2008.

**Sec. 11205. Composition of Amtrak's Board of Directors.** Amends 49 U.S.C. §24302 to increase the number of members of the Amtrak Board from 9 to 10 but remove the ability of the Amtrak President to vote in Board meetings (to avoid possible complications down the road from the D.C. Circuit and Supreme Court in the AAR case).

**Sec. 11206. Route and service planning decisions.** Rewrites section 208 of the 2008 PRIIA law to require Amtrak, within 180 days of enactment, to hire an independent entity to develop objective methodologies for route planning and lists specific criteria for the independent entity to consider. Requires Amtrak to report the results to Congress within 1 year of enactment and requires the Amtrak Board to consider the recommendations within 90 days of such report, and if the Board refuses to accept the recommendations, it must explain its reasons to Congress.

**Sec. 11207. Food and beverage reform.** Adds a new 49 U.S.C. §24321 requiring that within 90 days of enactment, Amtrak begin implementing a plan to eliminate operating losses from food and beverage service on its trains within 5 years. However, a savings clause provides that no current Amtrak employees can lose their jobs because of such savings plan. Provides that no federal funds can be used to cover any operating losses related to food and beverage service starting 5 years from the date of enactment.

**Sec. 11208. Rolling stock purchases.** Adds a new 49 U.S.C. §24322 providing that, prior to any purchases of rolling stock and locomotives totaling over \$100 million, Amtrak submit a business case analysis to Congress.

**Sec. 11209. Local products and promotional events.** Requires that, within 6 months of enactment, Amtrak establish a pilot program for the onboard sale of local food and beverage products on its trains and develop partnerships with local entities for promotional events in its stations.

**Sec. 11210. Amtrak pilot program for passengers transporting domesticated cats and dogs.** Requires that, within one year of enactment, Amtrak develop a pilot program to allow domesticated cats and dogs to be transported on certain trains, either by making one car of a multi-car train pet friendly or else by allowing kennels

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to be checked as cargo. Clarifies that service animals were and are always allowed at any place and time and that no federal funds can be used to implement the pilot program.

**Sec. 11211. Right-of-way leveraging.** Requires that Amtrak, within one year of enactment, issue an RFP seeking qualified persons to utilize right-of-way and real estate owned or controlled by Amtrak for telco and energy transmission lines. Requires the Amtrak Board to consider such proposals within 180 days.

**Sec. 11212. Station development.** Requires that Amtrak, within one year of enactment, report to Congress on options for enhancing the economic development and accessibility of and around its stations. 90 days after that, Amtrak must issue a Request for Information for station owners willing to participate, and 180 days after that, Amtrak must issue an RFP for such development and accessibility activities.

**Sec. 11213. Amtrak boarding procedures.** Requires the Amtrak Inspector General to report to Congress within 9 months of enactment on Amtrak's boarding procedures for passengers, including those with bicycles, at its 15 busiest stations and compare it to other passenger, commuter and subway/light rail boarding procedures.

**Sec. 11214. Amtrak debt.** Amends section 205 of the 2008 PRIIA law to require advance permission from the Appropriations Committees before Amtrak debt restructuring.

**Sec. 11215. Elimination of duplicative reporting.** Requires Amtrak, within 1 year of enactment, to recommend to Congress the abolition of duplicative reporting requirements.

### Subtitle C—Intercity Passenger Rail Policy

**Sec. 11301. Consolidated rail infrastructure and safety improvements.** Adds a new 49 U.S.C. §24407 creating a new competitive grant program for improvement of passenger and freight rail transportation. Applicants can be states, groups of states, interstate compacts, political subdivisions of states (all of which can apply in partnership with any railroad or rail equipment manufacturer), Amtrak, class II or III railroads, or TRB, UTCs or rail labor unions. A wide manner of safety and capital projects and programs are eligible for grants. In selecting from applicants, the Secretary should give preference to applicants with a proposed federal share of no more than 50 percent and take other considerations into account. At least 25 percent of grants should be in rural areas and the total federal share of project costs should not exceed 80 percent. Funds appropriated for this program shall remain available until expended. 49 U.S.C. §22402, 22403 and 22404 shall not apply to this program. The Secretary shall allocate "an appropriate portion" (defined as the state's share of total US freight and passenger rail miles) of the program for grants in states without intercity passenger rail service for freight and for what appears to be an Alaska-Hawaii set-aside. Repeals 49 U.S.C. §20154, 20165, 24105, 22108 and chapter 225.

**Sec. 11302. Federal-State partnership for state of good repair.** Adds a new 49 U.S.C. §24910 creating a new federal competitive grant program for capital projects to reduce the state of good repair backlog for rail assets by selecting projects to

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replace, rehabilitate or repair assets used for intercity passenger rail service or projects to improve intercity passenger rail performance. Applicants can be states, groups of states, interstate compacts, political subdivisions of states, or Amtrak. The Secretary shall give preference to applications where Amtrak is not the sole applicant, which do not have a federal share of over 50 percent, and which take into account a variety of cost-benefit and other analyses. No projects on the Northeast Corridor are eligible unless Amtrak and the relevant commuter rail authorities are in compliance with 49 U.S.C. §24905(c)(2). Maximum federal share of grants is 80 percent. Amtrak may use ticket and other revenues to satisfy the non-federal match requirements. Allows the Secretary to issue letters of intent to fund projects which are not legally binding on the federal government. Appropriations shall remain available until expended.

**Sec. 11303. Restoration and enhancement grants.** Adds a new 49 U.S.C. §24408 creating a new competitive grant program for operating assistance grants for the purpose of initiating, restoring or enhancing intercity rail passenger transportation. Applicants can be states, groups of states, interstate compacts, state publicly chartered agencies, political subdivisions of states, or Amtrak or other railroads in partnership with at least one of the above. Priority will be given to projects that restore previous Amtrak service. Operating assistance grants can last no more than 3 years and cannot be renewed, and no more than 6 operating assistance grants may be active at the same time. The federal share cannot exceed 80 percent in year 1, 60 percent in year 2 and 40 percent in year 3.

**Sec. 11304. Gulf Coast rail service working group.** Directs the Secretary to establish a working group to evaluate the restoration of passenger rail service between New Orleans and Orlando.

**Sec. 11305. Northeast Corridor Commission.** Amends 49 U.S.C. §24905(a) to alter the membership of the Northeast Corridor Commission and requires the Commission to submit its updates and reports and policies to Congress. Directs that the Commission implement its cost allocation policy no later than October 1, 2015. Adds a provision for STB mediation of disputes between the NEC Commission, Amtrak and public authorities (see the pending legislation before the DC Circuit remanded by the Supreme Court).

**Sec. 11306. Northeast corridor planning.** Adds a new section to title 49 requiring the Northeast Corridor Commission to develop a capital investment plan (which shall include a financial plan) each year and submit to DOT and Congress every May 1. Delineates the specific requirements of the capital plan and the financial plan. Restricts grants under 49 U.S.C. §24317(b) in years in which the NEC Commission has not developed such a plan. Requires the NEC to develop asset management plans for its service territories.

**Sec. 11307. Competition.** Rewrites 49 U.S.C. §24711 to require that within 18 months of enactment, DOT shall implement a pilot program for competitive selection for the privatization of not more than 3 Amtrak long-distance routes. The parameters of the program are largely those of the program from the 2008 PRIIA law which DOT largely ignored. Under the new provision, if DOT again refuses to

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implement the program, it must report to Congress every 90 days as to why the rule is not complete and what its plans are for implementing the rule as soon as possible.

**Sec. 11308. Performance-based proposals.** Requires that, no later than 30 days after enactment, DOT shall issue an RFP for projects development of a high-speed rail corridor. Proposals must meet any standard established by the Secretary and shall also be designed to reduce existing intercity minimum service times by 25 percent. NEC projects must be designed to lower the DC-NYC express service to less than 2 hours. Within 90 days after the receipt of such proposals, the Secretary shall evaluate them and establish a stakeholder commission with representatives of affected states, municipalities, freight railroads, transit agencies, unions and Amtrak to evaluate each proposal that the Secretary determines satisfy the requirements. Once a commission reports to USDOT, the Secretary shall review the proposals and report to Congress. However, the FAST Act does not authorize any money specifically to act on such recommendations.

**Sec. 11309. Large capital project requirements.** Amends 49 U.S.C. §24402 to require that, in the unlikely event that FRA is asked to make a grant of more than \$1 billion, applicants must demonstrate specific non-federal share requirements and financial plan submissions.

**Sec. 11310. Small business participation study.** Requires USDOT to conduct a nationwide disparity and availability study of small business DBE concerns in publicly funded intercity passenger rail projects.

**Sec. 11311. Shared-use study.** Requires that, not later than 3 years after enactment, DOT shall complete a study of the shared use of right-of-way by passenger and freight rail systems and how to improve those systems.

**Sec. 11312. Northeast Corridor through-ticketing and procurement efficiencies.** Requires that the NEC Commission conduct a study within 3 years of enactment of the feasibility of permitting through-ticketing between Amtrak service and the commuter rail services on the NEC.

**Sec. 11313. Data and analysis.** Requires that the Secretary, within 3 years of enactment, conduct a data needs assessment to support better passenger rail network service and determine the limits of existing data collection techniques.

**Sec. 11314. Amtrak Inspector General.** Gives the Amtrak IG authority available to all other federal IGs to investigate any alleged violations of certain violations of title 18 U.S.C. and directs the IG to assess Amtrak's ADA expenditures within 60 days of enactment.

**Sec. 11315. Miscellaneous provisions.** Amends 49 U.S.C. §22702 to require that state rail plans be resubmitted to the Secretary every 4 years for acceptance instead of every 5 years for reapproval. Amends section 305 of the 2008 PRIIA law to allow unions on the NEC equipment pool committee. Provides that a maglev project capable of safe public use in excess of 240 mph shall be eligible for RRIF assistance if it meets the requirements of sections 502 and 503 of the RRRR Act. Amends 49 U.S.C. §20157 to clarify the Secretary's ability to approve or disapprove revised PTC implementation plans.

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**Sec. 11316. Technical and conforming amendments.** Makes conforming and technical amendments to title 49 and RSIA/PRIIA.

### Subtitle D—Safety

**Sec. 11401. Highway-rail grade crossing safety.** Requires the Administrator of FRA to develop a model of a State-specific highway-rail grade crossing action plan and distribute the plan to each State, no later than 1 year after enactment of this Act. Lists contents for plan.

No later than 18 months after Administrator develops and distributes model plan, the Administrator shall promulgate a rule requiring each state to develop and implement a State highway-rail grade crossing action plan. Outlines State actions for developing and implementing plan and list of contents. Administrator shall provide assistance as appropriate. Final State plans would be submitted for publication. Allows the Secretary to apply submitting an acceptable State action plan as a condition for awarding grant under chapter 244 of title 49, United States Code. Outlines the Administrator's responsibilities upon receiving State action plans, for no later than 60 days after receipt of State action plan. States shall complete plan or address deficiencies no later than 60 days after notice by Administrator. Requires Administrator to submit a Congressional report no later than 3 years after publishing final rule under subsection (b)(1), identifying specific strategies identified by States and implementation progress under each State.

Allows Secretary to use funds available under §130 of title 23, United States Code for States to develop a State highway-rail grade crossing action plan or update State action plan.

**Sec. 11402. Private highway-rail grade crossings.** Requires Secretary to conduct a study in consultation with rail carriers about whether limitations or weaknesses exist regarding availability and usefulness for safety purposes of data on private highway-rail grade crossing, and evaluating relevant existing engineering practices. Lists contents of study. Requires Secretary to submit Congressional report no later than 3 years after enactment of this Act outlining findings from study and recommendations.

**Sec. 11403. Study on use of locomotive horns at highway-rail grade crossings.** Requires GAO to submit a Congressional report evaluating final rule entitled "Use of Locomotive Horns at Highway-Rail Grade Crossings," its effectiveness as a final rule, benefits and costs of establishing quiet zones, and any barriers to establishing quiet zones.

**Sec. 11404. Positive train control at grade crossings effectiveness study.** Requires the Secretary to conduct a study regarding possible effectiveness of positive train control and related technologies on reducing collisions at highway-rail grade crossings, following the certified implementation of PTC by each Class I railroad carrier and other entities. Results of study shall be submitted as a Congressional report.

**Sec. 11405. Bridge inspection reports.** Amends §417(d) of the Rail Safety Improvement Act of 2008. Adding provisions regarding making a public version of a bridge inspection report generated under subsection(b)(5). Outlines content of

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public bridge report. Secretary shall provide assistance to facilitate understanding of bridge inspection report upon reasonable request.

**Sec. 11406. Speed limit action plans.** Requires each railroad carrier providing intercity passenger or commuter rail, no later than 90 days, to survey its entire system and identify each main track location with speed reductions of at least 20 miles per hour from the approach speed of a curve, bridge, or tunnel. Requires railroad carriers to submit an action plan to the Secretary no later than 120 days after survey is completed. Outlines content of action plan. Requires Secretary to approve or disapprove action plan within 90 days of submission. Includes provision exempting track segments whose operations are governed by §20157 of title 49, United States Code. Requires Secretary to submit a Congressional report no later than 6 months after enactment of this Act. Outlines content of Congressional report.

**Sec. 11407. Alerters.** Requires the Secretary to promulgate a rule requiring a working alerter in the controlling locomotive of each passenger train in intercity rail passenger or commuter rail. Specifies details for promulgating rule.

**Sec. 11408. Signal protection.** Requires the Secretary, no later than 18 months after enactment of this Act, to initiate a rulemaking to require that on-track safety regulations include implementation of redundant signal protection for maintenance-of-way work crews. Includes provision exempting track segments whose operations are governed by §20157 of title 49, United States Code.

**Sec. 11409. Commuter rail track inspections.** Requires Secretary to evaluate track inspection regulations to determine if a railroad carrier providing commuter rail passenger transportation on high density commuter rail lines should be required to inspect lines in same manner as required for other commuter railroad lines. Allows Secretary to promulgate rule in regards to employee and contractor safety. Outlines regulatory requirements if the Secretary decides to pursue rulemaking. If rulemaking is deemed not necessary, then the Secretary is required to submit a Congressional report no later than 18 months after enactment of this Act explaining reasons for not revising regulations.

**Sec. 11410. Post-accident assessment.** Requires the Secretary, in cooperation with NTSB and Amtrak, to conduct a post-accident assessment of Philadelphia train derailment on May 12, 2015. Outlines elements of assessment. Requires Amtrak to submit a Congressional report no later than 1 year after enactment of this Act, describing Amtrak's plans to achieve recommendations and steps taken to address any deficiencies identified.

**Sec. 11411. Recording devices.** Amends subchapter II of chapter 201 of title 49, United States Code, adding "§20168. Installation of audio and image recording devices." Requires the Secretary to promulgate rulemaking no later than 2 years after enactment of Passenger Rail Reform and Investment Act of 2015, requiring each railroad carrier providing regularly schedule rail passenger services to install inward- and outward-facing image recording devices in all controlling locomotive cabs and cab car operating compartments. Outlines device requirements. Requires the Secretary to establish a process to review and approve or disapprove a device for compliance. Outlines intended uses of such devices. Allows Secretary to exempt



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any railroad carrier if it is determined that the carrier has implemented an alternative technology that provides an equivalent or greater safety benefit. Includes provisions regarding tampering, preservation of data, information protections, and prohibited use.

**Sec. 11412. Railroad police officers.** Amends §28101 of title 49, United States Code. Allows a railroad police officer directly employed by or contracted by a rail carrier to transfer to another State or jurisdiction and no later than 1 year after date of transfer, be certified as a police officer under laws of State of the new primary residence. Allows officer to enforce laws of new jurisdiction during interim 1 year period. Recognizes that a rail police officer completing a State-recognized police training academy is certified or commissioned as a police officer by that other State. Requires Secretary, no later than 1 year after enactment of this Act, to revise regulations permitting a railroad to designate an individual to enforce State laws for protection of railroad property, personnel, passengers, and cargo. Lists conforming amendments.

**Sec. 11413. Repair and replacement of damaged track inspection equipment.** Amends subchapter I of chapter 201 of title 49, United States Code by adding “§20121. Repair and replacement of damaged track inspection equipment.” Allows the Secretary to receive and expend cash, or receive and utilize spare parts and similar items from non-U.S. Government sources to repair damages or replace U.S. Government-owned automated track inspection cars and equipment.

**Sec. 11414. Report on vertical track deflection.** Requires the Secretary to submit a Congressional report no later than 9 months after enactment of this Act, detailing research conducted or procured by the FRA on developing a system that measures vertical track deflection from a moving rail car. Outlines contents of report.

**Sec. 11415. Rail passenger liability.** Caps aggregate awards for compensating rail passenger for damages arising from Philadelphia Amtrak derailment on May 12, 2015 at a maximum of \$295,000,000 (not the \$200,000,000 in 49 U.S.C. §28103). Increases the \$200 million cap in §28103 for inflation in subsequent years.

### Subtitle E—Project Delivery

**Sec. 11501. Short title.** This subtitle may also be cited as “Track, Railroad, and Infrastructure Network Act” or the “TRAIN Act.”

**Sec. 11502. Treatment of improvements to rail and transit under preservation requirements.** Amends §138 of title 23, United States Code. Adds provisions regarding improvements to or maintenance, rehabilitation, or operations of historic railroad lines shall not be considered a use of a historic site under subsection(a). Lists conditions for exceptions. Adds provisions clarifying certain bridges and tunnels.

Amends §303 of title 49, United States Code. Adds provisions regarding improvements to or maintenance, rehabilitation, or operations of historic railroad lines shall not be considered a use of a historic site under subsection(a). Lists conditions for exceptions. Adds provisions clarifying certain bridges and tunnels.

**Sec. 11503. Efficient environmental reviews.** Amends title 49, United States Code by inserting “Chapter 242 – Project Delivery.” Inserts “§24201. Efficient

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environmental reviews.” Requires the Secretary to apply project development procedures under §139 of title 23 to any railroad projects requiring approval of Secretary under NEPA. Includes provisions regarding regulations and procedures pertaining to increasing efficiency of review of railroad projects. Allows Secretary to not incorporate any agency regulations and procedures pertaining to railroads that could only feasibly apply to highway projects, public transportation capital projects, and multimodal projects. Requires the Secretary, no later than 6 months after enactment of the Passenger Rail Reform and Investment Act of 2015, to survey use by the FRA of categorical exclusions in transportation projects since 2005, and publish survey for notice and public comment. Requires Secretary to publish a notice of proposed rulemaking, no later than 1 year after enactment of Passenger Rail Reform and Investment Act of 2015, to propose new and existing categorical exclusions for railroad projects requiring Secretary approval under NEPA. Requires Secretary to make publicly available a database identifying project-specific information.

**Sec. 11504. Railroad rights-of-way.** Amends chapter 242 of title 49, United States Code (as added by this Act), by adding “§24202. Railroad rights-of-way.” Requires Secretary, no later than one year after enactment of Passenger Rail Reform and Investment Act of 2015, to submit a proposed exemption of railroad rights-of-way from review to the Advisory Council on Historic Preservation for consideration.

### Subtitle F—Financing

**Sec. 11601. Short title; references.** Defines short title as “Railroad Infrastructure Financing Improvement Act” and clarifies that all section numbers in this title’s amendments refer to the 1976 RRRR Act unless otherwise noted.

**Sec. 11602. Definitions.** Amends definitions in sec. 501 (45 USC 921) to add definitions of “investment-grade rating,” “master credit agreement,” “project obligation,” “railroad,” “rating agency” and “substantial completion.”

**Sec. 11603. Eligible applicants.** Amends sec. 502(a) to redefine eligible applicants to allow non-railroad entities to apply for RRIF loans, particularly entities that exist solely for the purpose of constructing a rail connection between a plant or facility and a railroad.

**Sec. 11604. Eligible purposes.** Amends sec. 502(b)(1) to expand eligible purposes to include reimbursement of planning and design expenses and economic development and transit-oriented development. Amends sec. 502(h) to direct the Secretary to require loan recipients for transit-oriented development projects within this section to provide a non-federal match of at least 25 percent.

**Sec. 11605. Program administration.** Amends sec. 502(i) to update application processes and procedures and to allow USDOT to charge applicants with the cost of processing applications and servicing loans.

**Sec. 11606. Loan terms and repayment.** Amends sec. 502(g)(1) to strike 35 years and replace it with the lesser of 35 or the estimated useful life of the infrastructure. Amends sec. 502(j) to revise repayment schedules. Allows USDOT to sell direct RRIF loans in the capital markets if the deal is made on favorable terms. Provides

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that RRIF loans shall not be subordinated to any holder of project obligations in bankruptcy except for limited preexisting indentures.

**Sec. 11607. Credit risk premiums.** Amends sec. 502(f) to specifically allow states, localities and special-purpose entities to pay the credit risk premiums for RRIF loans and by striking all references to cohorts of loans. Adds a new (f)(3) allowing applicants to pledge future state or local subsidies or investment-grade ratings on other loans to prove creditworthiness.

**Sec. 11608. Master credit agreements.** Amends sec. 502 to allow the Secretary to enter into a master credit agreement that is contingent on all of the conditions for the provision of a direct loan or loan guarantee.

**Sec. 11609. Priorities and conditions.** Amends sec. 502(c) to clarify that the positive train control system is a priority project.

**Sec. 11610. Savings provisions.** Clarifies that this subtitle and the amendments made in this subtitle will not affect any direct loan or an outstanding loan guarantee that was in effect prior to the date of enactment of this Act.

**Sec. 11611. Report on leveraging RRIF.** Directs the Comptroller General to transmit to the House T&I Committee a report that analyzes how the Railroad Rehabilitation and Improvement Financing Program can be used to improve passenger rail infrastructure.

## DIVISION B—COMPREHENSIVE TRANSPORTATION AND CONSUMER PROTECTION ACT OF 2015

*This division contains safety-related provisions within the jurisdiction of the House Energy and Commerce Committee.*

### TITLE XXIV—MOTOR VEHICLE SAFETY

#### Subtitle A—Vehicle Safety

**Sec. 24101. Authorization of appropriations.** Authorizes the general fund appropriations of certain amounts for NHTSA vehicle safety activities and certain additional amounts if NHTSA addresses OIG recommendations to improve their procedures. See [this table](#) for specific amounts.

**Sec. 24102. Inspector general recommendations.** Directs the DOT OIG to report to Congress whether and to what extent NHTSA is addressing the recommendations of its June 18, 2015 audit.

**Sec. 24103. Improvements in availability of recall information.** Directs the Secretary to implement current information technology, web design trends, and best practices that will help ensure that motor vehicle safety recall information available to the public on the USDOT website.

**Sec. 24104. Recall process.** Directs the Secretary to prescribe a final rule revising the regulations under section 577.7 of title 49, Code of Federal regulations, to include notification by electronic means in addition to notification by first class mail. Directs the Secretary to conduct an analysis of vehicle safety recall completion rates

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to assess potential NHTSA actions. Directs the Inspector General to conduct an audit of NHTSA's management of vehicle safety recalls.

**Sec. 24105. Pilot grant program for state notification to consumers of motor vehicle recall status.** Directs the Secretary to implement a 2-year pilot program to evaluate the feasibility and effectiveness of a state process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration in the state.

**Sec. 24106. Recall obligations under bankruptcy.** Amends 49 U.S.C. §30102A to include chapter 7 bankruptcy as well as chapter 11 bankruptcy.

**Sec. 24107. Dealer requirement to check for open recall.** Amends sec. 30120(f) of title 49 USC to include that when a dealer provides a service for a vehicle that it notifies the owner or individual requesting the service of any open recall.

**Sec. 24108. Extension of time period for remedy of tire defects.** Amends sec. 30120(b) of title 49, USC, to replace 60 days with 180 days.

**Sec. 24109. Rental car safety.** Amends sec. 20102(a) of title 49, USC, to ensure that rental companies cannot keep cars in operation that are under an active recall. In addition, it directs that the Secretary conduct and submit a report on the effectiveness of the amendments made by this section.

**Sec. 24110. Increase in civil penalties for violations of motor vehicle safety.** Amends sec. 30165(a) of title 49, USC to increase the civil penalties for violations of motor vehicle safety.

**Sec. 24111. Electronic odometer disclosures.** Amends sec. 32705(g) of title 49, USC, to allow written disclosures or notices and related matters to be provided electronically.

**Sec. 24112. Corporate responsibility for NHTSA reports.** Amends sec. 30166(o) of title 49, USC, to direct the Secretary to issue a final rule making on the corporate responsibility for NHTSA reports.

**Sec. 24113. Direct vehicle notification of recalls.** Directs the Secretary to issue a report on the feasibility of a technical system that would operate in each new motor vehicle to indicate when the vehicle is subject to an open recall.

**Sec. 24114. Unattended children warning.** Amends sec. 31504(a) of MAP-21 by striking "may" and inserting "shall."

**Sec. 24115. Tire pressure monitoring system.** Directs the Secretary to proposed a rule that updates the standards pertaining to tire pressure monitoring systems to ensure that they are installed in new motor vehicles, and does not contain any provision that has the effect of prohibiting the availability of systems that meet the requirements.

**Sec. 24116. Information regarding components involved in recall.** Amends sec. 30119 of title 49, USC, to require a manufacturer to produce a report for a defect or noncompliance in a motor vehicle or in an item of original or replacement equipment.

### Subtitle B—Research And Development And Vehicle Electronics

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**Sec. 24201. Report on operations of the council for vehicle electronics, vehicle software, and emerging technologies.** Directs the Secretary to submit to the Senate Commerce and House E&C committees a report on the operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies established under sec. 31401 of MAP-21.

**Sec. 24202. Cooperation with foreign governments.** Amends sec. 30182(b) of title 49, USC, to provide for the ability to enter into cooperative agreements and collaborative research and development agreements with foreign governments. Amends sec. 402 of title 23, USC, to direct the IG to conduct an audit of the Secretary's management and oversight of cooperative agreements and collaborative research and development agreements, include those between the Secretary and foreign governments.

### Subtitle C—Miscellaneous Provisions

#### PART I—DRIVER PRIVACY ACT OF 2015

**Sec. 24301. Short title.** Defines the short title to be the “Driver Privacy Act of 2015.”

**Sec. 24302. Limitations on data retrieval from vehicle event data recorders.** Provides that that any data retained by an event data recorder is the property of the owner.

**Sec. 24303. Vehicle event data recorder study.** Directs the NHTSA Administrator to submit to Congress a report that contains the results of a study conducted by the Administrator to determine the amount of time event data recorder installed in passenger motor vehicles should capture and record vehicle related data in order to provide sufficient information to investigate the cause of motor vehicle crashes. Also directs the NHTSA Administrator to promulgate regulations to establish the appropriate period.

#### PART II—SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015

**Sec. 24321. Short title.** Defines the short title as the “Safety Through Informed Consumers Act of 2015.”

**Sec. 24322. Passenger motor vehicle information.** Amends sec. 32302 of title 49, USC, to direct the Secretary to propose a rule to ensure that crash avoidance information is indicated next to crashworthiness information on stickers placed on motor vehicles by their manufacturers.

#### PART III—TIRE EFFICIENCY, SAFETY, AND REGISTRATION ACT OF 2015

**Sec. 24331. Short title.** Defines the short title as the “Tire Efficiency, Safety, and Registration Act of 2015.”

**Sec. 24332. Tire fuel efficiency minimum performance standards.** Amends sec. 32304A of title 49, USC to direct the Secretary to promulgate regulations for tire fuel efficiency minimum performance standards. Directs the Secretary to promulgate regulations for tire wet traction minimum performance standards to ensure that passenger tire wet traction minimum performance standards to ensure that passenger tired wet traction capability is not reduced to achieve improved tire fuel efficiency.

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**Sec. 24333. Tire registration by independent sellers.** Amends paragraph 3 of sec. 30117(b) of title 49, USC, to direct the Secretary to initiate a rulemaking to require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to maintain records.

**Sec. 24334. Tire identification study and report.** Directs the Secretary to conduct a study to examine the feasibility of requiring all manufacturers of tires subject to sec. 30117(b) of title 49, USC, to include electronic identification and ensure that the same type and format of electronic information is used on all tires.

**Sec. 24335. Tire recall database.** Directs the Secretary to establish a publicly available and searchable electronic database of tire recall information that is reported to the Administrator NHTSA.

### PART IV—ALTERNATIVE FUEL VEHICLES

**Sec. 24341. Regulatory parity for natural gas vehicles.** Directs the EPA Administrator to reviews the regulations issued in secs. 600.510-12(c)(2)(vi) and 600.510-12(c)(2) (vii)(A) of title 40, Code of Federal Regulations, to replace references to the year 2019 with the year 2016.

### PART V—MOTOR VEHICLE SAFETY WHISTLEBLOWER ACT

**Sec. 24351. Short title.** Defines the short title as the “Motor Vehicle Safety Whistleblower Act.”

**Sec. 24352. Motor vehicle safety whistleblower incentives and protections.** Amends subchapter IV of chapter 301 of title 49 USC to include a provision that says that if original information provided by a whistleblower leads to the successful resolution of a covered action, the Secretary may provide the whistleblower with a reward. It also provides protects to direct the Secretary to not disclose any identifying information about the whistleblower.

### Subtitle D—Additional Motor Vehicle Provisions

**Sec. 24401. Required reporting of NHTSA agenda.** Directs the NHTSA Administrator to annually publish a plan for the following year detailing the Administration’s projected activities.

**Sec. 24402. Application of remedies for defects and noncompliance.** Amends sec. 30120(g)(1) of title 49 USC code by changing 10 calendar years to 15 calendar years.

**Sec. 24403. Retention of safety records by manufacturers.** Directs the Secretary to issue a final rule pursuant to sec. 30117 of title 49, USC, requiring each manufacturer of motor vehicles or motor vehicle equipment to retain all motor vehicle safety records to be maintained by manufacturers under sec. 576.6 of title 49, Code of federal regulations.

**Sec. 24404. Nonapplication of prohibitions relating to noncomplying motor vehicles to vehicles used for testing or evaluation.** Amends sec. 30112(b) of title 49, USC to provide provisions for the introduction of a motor vehicle in interstate commerce solely for purposed of testing or evaluation.

**Sec. 24405. Treatment of low-volume manufacturers.** Amends sec. 30114 of title 49, USC, to direct the Secretary to exempt from section 30112(a) up to 325 replica

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motor vehicles per year. Amends sec. 206(a) of the Clean Air Act by adding a provision that states that a motor vehicle engine may be installed in an exempted vehicle per specific guidelines.

**Sec. 24406. Motor vehicle safety guidelines.** Amends sec. 30111 of title 49 USC to include a provision that clarifies motor vehicle safety guidelines.

**Sec. 24407. Improvement of data collection on child occupants in vehicle crashes.** Directs the Secretary to revise the crash investigation data collection system of NHTSA to include the collection of specified data in connection with vehicles crashes whenever a child restraint system was in use in a vehicle involved in a crash. Directs the Secretary to submit a report on child occupant crash data.

### DIVISION C—FINANCE

*This division contains the tax committee issues relating to the Highway Trust Fund, its taxes, and additional HTF deposits, plus “pay-fors” to offset the cost of the additional HTF deposits and a PAYGO scorecard waiver. See [this table](#) for a one-page summary of the ten-year value of the pay-fors versus the direct spending costs of the legislation.*

#### TITLE XXXI—HIGHWAY TRUST FUND AND RELATED TAXES

##### Subtitle A—Extension of Trust Fund Expenditure Authority and Related Taxes

**Sec. 31101. Extension of Highway Trust Fund expenditure authority.** Extends Highway Trust Fund expenditure authority in section 9503 of the Internal Revenue Code, the Sport Fish Restoration and Boating Trust Fund in section 9504, and the Leaking Underground Storage Tank Trust Fund in section 9508 from December 5, 2015 to October 1, 2020.

**Sec. 31102. Extension of highway-related taxes.** Extends current law taxes and rates on gasoline, diesel fuel, special fuels, trucks, tractors and heavy tires from their scheduled expiration on December 4, 2015 to September 30, 2022.

##### Subtitle B—Additional Transfers to Highway Trust Fund

**Sec. 31201. Further additional transfers to trust fund.** Transfers \$51.9 billion from the general fund to the Highway Account of the Highway Trust Fund immediately upon enactment. Transfers \$18.1 billion from the general fund to the Mass Transit Account of the Highway Trust Fund immediately upon enactment.

**Sec. 31202. Transfer to Highway Trust Fund of certain motor vehicle safety penalties.** Provides that henceforth, NHTSA civil penalties for vehicle safety violations under 49 U.S.C. §30165 will be deposited in the HTF, not the general fund.

**Sec. 31203. Appropriation from Leaking Underground Storage Tank Trust Fund.** Transfers \$300 million from the LUST Trust Fund to the Highway Account of the HTF, in three installments of \$100 million each (date of enactment of the FAST Act, October 1, 2016, and October 1, 2017).

#### TITLE XXXII—OFFSETS

##### Subtitle A—Tax Provisions

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### **Sec. 32101. Revocation or denial of passport in case of certain unpaid taxes.**

Directs the Secretary of State to revoke or deny passports to persons with over \$50,000 in delinquent tax debt who are not on a payment plan.

### **Sec. 32102. Reform of rules relating to qualified tax collection contracts.**

Allows the IRS to hire private companies to collect delinquent tax debts.

**Sec. 32103. Special compliance personnel program.** Allows funds collected under section 6306 of the tax code to be used to pay private companies to collect delinquent tax debts.

**Sec. 32104. Repeal of modification of automatic extension of return due date for certain employee benefit plans.** Repeals the provision in the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 that provides for an automatic 31/2-month extension of the due date for filing Form 5500.

### **Subtitle B—Fees and Receipts**

#### **Sec. 32201. Adjustment for inflation of fees for certain customs services.**

Provides that the Secretary of Treasury shall annually adjust the fees collected under Section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 and the limitations on fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), on, to reflect any increase in the average of the Consumer Price Index.

**Sec. 32202. Limitation on surplus funds of Federal reserve banks.** Reduces the amount of the Federal Reserve surplus fund to a maximum of \$10 billion and transfers any excess to the general fund of the Treasury.

**Sec. 32203. Dividends of Federal reserve banks.** Reduces the dividends paid to Federal Reserve member banks from the traditional statutory 6 percent to the high yield of the most recent 10-year Treasury note auction rate (if lower than 6 percent) – but only for banks with assets below \$10 billion (banks under \$10 billion still get the 6 percent rate).

**Sec. 32204. Strategic Petroleum Reserve drawdown and sale.** Directs the Secretary of Energy to sell enough oil from the SPR to raise \$6.2 billion (estimated to be 66 million barrels at the current EIA reference case price assumptions).

**Sec. 32205. Repeal.** Repeals the crop insurance reform provisions of section 201 of the Bipartisan Budget Act of 2015.

### **Subtitle C—Outlays**

**Sec. 32301. Interest on overpayment.** Strikes the requirement that the Office of National Resources Revenue (ONRR) pay interest on overpayments.

### **Subtitle D—Budgetary Effects**

**Sec. 32401. Budgetary effects.** Provides that the budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

## **DIVISION D—MISCELLANEOUS**



## Section-by-Section Summary of H.R. 22, the FAST Act

### TITLE XLI—FEDERAL PERMITTING IMPROVEMENT

**Sec. 41001. Definitions.** Adds “Agency CERPO” as the “chief environmental review and permitting officer” and defines “covered projects” rules for needed review under NEPA. Covered projects are not just surface transportation, but include almost all federal projects that require NEPA.

**Sec. 41002. Federal Permitting Improvement Council.** Established a Federal Permitting Improvement Steering Council, which will include a Chair appointed by the President and an Agency CERPO from each of the major Federal Agencies. The council will be staffed with an Executive Director (appointed by the President) and administrative and research support staff (at an agency designated by OMB). The Council is responsible for creating an inventory of all projects that are pending the environmental review or other federal authorization and develop recommended performance schedules to help move projects forward. The Council will annually issue recommendations for best practices on stakeholder engagement, performance metrics, public and private coordination, transparency, and other items.

**Sec. 41003. Permitting process improvement.** This section outlines a review and monitoring process conducted by the Council’s executive director. Project sponsors are to submit to the Executive Director a notice of the initiation of a proposed covered project. The Executive Director is to create an Internet “Permitting Dashboard” that will serve as a database of existing projects that are pending approval. Project information includes key dates, involved federal agencies including the “lead” federal agency for each project, and other specific information for both new and existing projects. The lead agency will establish permitting timetables for each project, and provide recommendations to the project sponsor to be sure that the timeline is kept.

**Sec. 41004. Interstate compacts.** Gives consent for 3 or more contiguous states to enter an interstate compact establishing regional infrastructure development agencies to facilitate and review covered projects.

**Sec. 41005. Coordination of required reviews.** To integrate environmental reviews and authorizations, each Federal agency will be required (to the maximum extent practicable) to work with other agencies so that each covered project is going under one, consolidated Federal review. Lead Federal agencies can also use documentation, reports, and other materials produced for State approvals for the Federal process if appropriate. The section outlines a public engagement process for alternative analysis, comments and review process, and processes for identifying and resolving issues that could delay completion of an environmental review or project authorization.

**Sec. 41006. Delegated State permitting programs.** Instructs the lead Federal agency for project review to identify best practices as it relates to review processes that are delegated to the states.

**Sec. 41007. Litigation, judicial review, and savings provision.** Outlines the processes for litigation, judicial review, and limitations within the provisions of this title.

**Sec. 41008. Reports.** Establishes the requirements and timeline for reports.

## Section-by-Section Summary of H.R. 22, the FAST Act

**Sec. 41009. Funding for governance, oversight, and processing of environmental reviews and permits.** Allows the heads of Federal Agencies, with guidance from OMB, to issue regulations establishing fees for project proponents to reimburse the Federal government for reasonable costs incurred in conducting environmental reviews and authorizations for covered projects. The funds raised by such a fee will be used to fund the Council and its staff.

**Sec. 41010. Application.** States that this title applies to projects filed under section 41003 and other projects that are pending 90 days after enactment.

**Sec. 41011. GAO Report.** Within 3 years, GAO is to submit a report that investigates whether this title could be adapted to streamline permitting processes for smaller projects not covered in this provision.

**Sec. 41012. Savings provision.** States that nothing in this title amends NEPA.

**Sec. 41013. Sunset.** This title terminates 7 years after enactment.

**Sec. 41014. Placement.** Sections 41001 through 21013 are placed in Chapter 55 of Title 42 of the U.S. Code.

### TITLE XLII—ADDITIONAL PROVISIONS

**Sec. 42001. GAO report on refunds to registered vendors of kerosene used in noncommercial aviation.** Requires a GAO report to Congress within 180 days of enactment studying the extent of general aviation kerosene tax payments being diverted to the Highway Trust Fund.

### TITLE XLIII—PAYMENTS TO CERTIFIED STATES AND INDIAN TRIBES

**Sec. 43001. Payments from Abandoned Mine Reclamation Fund.** Amends section 411(h) of the Surface Mining Control and Reclamation Act of 1977 to increase payments from the Reclamation Fund by an estimated \$595 million over ten years.

### DIVISION E – EXPORT-IMPORT BANK OF THE UNITED STATES

*Division E of the bill re-authorizes the Export-Import (Ex-Im) Bank, an agency that provides loans to foreign companies to buy U.S. made goods. The previous re-authorization expired in July 2015, making Ex-Im unable to provide new loans since then (the Bank is still operating to process loans made previously). The bill reauthorizes the bank through 2019.*

### TITLE LI—TAXPAYER PROTECTION PROVISIONS AND INCREASED ACCOUNTABILITY

**Sec. 51001. Reduction in authorized amount of outstanding loans, guarantees, and insurance.** Reduces the limit in outstanding loans, guarantees, and insurance to \$135 billion from 2015 through 2019.

## Section-by-Section Summary of H.R. 22, the FAST Act

**Sec. 51002. Increase in loss reserves.** Mandates that the Bank establishes a reserve fund of no less than 5 percent of the disbursed and outstanding loans, guarantees, and insurance.

**Sec. 51003. Review of fraud controls.** Stipulates that the Comptroller General of the U.S. has to establish a mechanism to review the controls the Bank use to prevent fraudulent applications to its loans.

**Sec. 51004. Office of Ethics.** Following on this theme, this section establishes an Office of Ethics in the Bank.

**Sec. 51005. Chief Risk Officer.** Creates a Chief Risk Officer at Ex-Im to manage and mitigate all risk to which the bank is exposed.

**Sec. 51006. Risk Management Committee.** Meanwhile, this section establishes a Risk Management Committee that will work with the Chief Risk Officer to assess and report to how the bank is assessing and mitigating the risks it's exposed to.

**Sec. 51007. Independent audit of bank portfolio.** Establishes an independent audit of the Bank's portfolio by its Inspector General,

**Sec. 51008. Pilot program for reinsurance.** Mandates the Bank to create a pilot program for reinsurance.

### TITLE LII—PROMOTION OF SMALL BUSINESS EXPORTS

**Sec. 52001. Increase in small business lending requirements.** Intends to mitigate one of the criticisms that the bank has been subjected to, i.e., that it supports mainly large companies that would be able to subsist without Ex-Im's support. This is done by increasing, in this section, the required amount of lending to small businesses from 20 to 25% of the Bank's portfolio.

**Sec. 52002. Report on programs for small- and medium-sized businesses.** Mandates that the Bank shall create a subsection in its annual report to Congress about the programs aimed at businesses with less than \$250 million in annual sales.

### TITLE LIII—MODERNIZATION OF OPERATIONS

**Sec. 53001. Electronic payments and documents.** Requires Ex-Im to accept electronic documents whenever possible and electronic payments in all of its programs.

**Sec. 53002. Reauthorization of information technology updating.** Updates the dates on the previous re-authorization Modernization of Operations section to correspond to the 2015-2019 period.

### TITLE LIV—GENERAL PROVISIONS

**Sec. 54001. Extension of authority.** Authority for Bank operations is extended through 2019.

**Sec. 54002. Certain updated loan terms and amounts.** Updates some values related to the Bank's operations.

### TITLE LV—OTHER MATTERS

## Section-by-Section Summary of H.R. 22, the FAST Act

**Sec. 55001. Prohibition on discrimination based on industry.** Prohibits discrimination based on industry – the Bank had been criticized for refusing to make loans to certain industries, namely coal in more developed countries.

**Sec. 55002. Negotiations to end export credit financing.** Directs the President (of the U.S.) to negotiate with OECD and non-OECD countries the possible goal of eliminating all export credit financing and other export subsidies in ten years, with a requirement that the President reports to Congress in 180 days (and annually after that) after the bill is enacted on his/hers strategy to achieve this.

**Sec. 55003. Study of financing for information and communications technology systems.** Mandates Ex-Im to conduct a study (to be delivered to Congress in 180 days) to determine how companies that export information and communication technology services and goods are using the Bank's services.

### DIVISION F—ENERGY SECURITY

*This division deals with issues of security of oil, natural gas, and electric grid infrastructures, making a number of provisions to increase the reliability and resiliency of those networks. It was added via amendment to H.R. 22 on the House floor to compensate the House Energy and Commerce Committee for the invasion of its jurisdiction by the Senate via the use of the Strategic Petroleum Reserve as a funding offset for the surface transportation bill.*

**Sec. 61001. Emergency preparedness for energy supply disruptions.** States that resilient oil and natural infrastructure to cope with natural disasters. To that effect, the bill directs the Secretary of Energy to improve communication between the Department of Energy, other federal agencies, and the industry; improve supply chain situation assessments as well as emergency response and recovery; develop state and local energy assurance plans and create emergency response training programs for the federal, state, and industry personnel.

**Sec. 61002. Resolving environmental and grid reliability conflicts.** Exempts some forms of electricity generation, transmission, or deliver, to be exempt from applicable federal, state, or local environment laws or regulations, while under emergency order. These exemptions can be given for periods of up to 90 days, with renewals subject to consulting with federal agencies.

**Sec. 61003. Critical electric infrastructure security.** Adds language to the Federal Power Act on the issue of Critical Electric Infrastructure Security. Critical electric infrastructure is here defined as infrastructure, physical or virtual, which incapacity or destruction would negatively affect national security, economic security, or public health or safety. The section gives the President and the Secretary of Energy authority to take emergency measures, with notification to Congress, in the event of a grid security emergency. These are limited to 15 days, but can be extended if the emergency measures continue to be required. The section also allows the owners, operators, or users of such critical infrastructure that have incurred costs to comply with these emergency measures to be compensated for those costs.

## Section-by-Section Summary of H.R. 22, the FAST Act

**Sec. 61004. Strategic Transformer Reserve.** Creates a strategic transformer and mobile substation reserve to reduce the vulnerability of the electric grid. This reserve is to be created by the Department of Energy one year after the bill is enacted and is to be paid by federal appropriations and “public-private cost-sharing options”.

**Sec. 61005. Energy security valuation.** Mandates the Secretary of Energy to create a report, in one year, that includes U.S. energy security valuation methods. The report shall include an evaluation of U.S. energy security, reflecting domestic and global energy markets, and the needs of the U.S. and its allies; establish procedures and criteria to evaluate the impact of any measures on consumers, the economy, competition, national security, and resiliency; recommend a strategy to make sure those procedures and criteria are consistently evaluated in the federal government and are balanced with federal environmental law.

### DIVISION G—FINANCIAL SERVICES

*This division contains the text of many unrelated bills within the jurisdiction of the House Financial Services Committee and was added to H.R. 22 on the House floor as an amendment to compensate Financial Services for the invasion of its jurisdiction by the Senate bill (the Federal Reserve pay-for and the Ex-Im Bank). All of these bills had passed the House individually by wide margins earlier this year but had been hung up in the Senate.*

#### TITLE LXXI—IMPROVING ACCESS TO CAPITAL FOR EMERGING GROWTH COMPANIES

**Sec. 71001. Filing requirement for public filing prior to public offering.**

Changes the Securities Act of 1933 by changing the filing requirement for public filing prior to public offering from “21 days” to “15 days” in section 6(e)(1).

**Sec. 71002. Grace period for change of status of emerging growth companies.**

Changes the Securities Act of 1933 and establishes when a company can be still classified as an emerging growth company (i.e., a company with less than \$1 billion in revenues in the previous fiscal year) if its status changes in the meantime.

**Sec. 71003. Simplified disclosure requirements for emerging growth companies.**

Simplifies the disclosures requirements for initial public offerings for these companies.

#### TITLE LXXII—DISCLOSURE MODERNIZATION AND SIMPLIFICATION

**Sec. 72001. Summary page for form 10-K.** Creates a summary page for form 10-K.

**Sec. 72002. Improvement of regulation S-K.** Mandates that the Securities and Exchange Commission revises regulation S-K to reduce the regulatory burden.

**Sec. 72003. Study on modernization and simplification of regulation S-K.**

Mandates that the Securities and Exchange Commission carries out a study, over a one year period, on regulation S-K on how to best modernize and simplify it, while still providing all material information.

## Section-by-Section Summary of H.R. 22, the FAST Act

### **TITLE LXXIII—BULLION AND COLLECTIBLE COIN PRODUCTION EFFICIENCY AND COST SAVINGS**

**Sec. 73001. Technical corrections.** Makes a number of technical corrections on Title 31 of the United States Code.

**Sec. 73002. American Eagle Silver Bullion 30th Anniversary.** Stipulates that the American Eagle Bullion minted during 2016 should have a designation marking the 30<sup>th</sup> anniversary of the first issue of these coins.

### **TITLE LXXIV—SBIC ADVISERS RELIEF**

**Sec. 74001. Advisers of SBICs and venture capital funds.** Makes changes to section 203(1) of the Investment Advisers Act of 1940.

**Sec. 74002. Advisers of SBICs and private funds.** Makes changes to section 203(m) of the Investment Advisers Act of 1940.

**Sec. 74003. Relationship to State law.** Makes changes to section 203A(b)(1) of the Investment Advisers Act of 1940.

### **TITLE LXXV—ELIMINATE PRIVACY NOTICE CONFUSION**

**Sec. 75001. Exception to annual privacy notice requirement under the Gramm-Leach-Bliley Act.** Makes changes to section 503 of the Gramm-Leach-Bliley Act.

### **TITLE LXXVI—REFORMING ACCESS FOR INVESTMENTS IN STARTUP ENTERPRISES**

**Sec. 76001. Exempted transactions.** Makes changes to exempted transactions by amending section 4 of the Securities Act of 1933.

### **TITLE LXXVII—PRESERVATION ENHANCEMENT AND SAVINGS OPPORTUNITY**

**Sec. 77001. Distributions and residual receipts.** Adds a new subsection, related to the distribution of residual receipts by property owners, to section 222 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990.

**Sec. 77002. Future refinancings.** Adds a new subsection, related to the property owner's ability to access financing, to section 214 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990.

**Sec. 77003. Implementation.** Mandates that these new amendments are to be implemented no later than 120 days after the enactment of the act.

### **TITLE LXXVIII—TENANT INCOME VERIFICATION RELIEF**

**Sec. 78001. Reviews of family incomes.** Amends section 3(a) of the United States Housing Act of 1937, changing the requirements for income verification for tenants of public housing.

### **TITLE LXXIX—HOUSING ASSISTANCE EFFICIENCY**

**Sec. 79001. Authority to administer rental assistance.** Amends subsection (g) of section 423 of the McKinney-Vento Homeless Assistance Act.

## Section-by-Section Summary of H.R. 22, the FAST Act

**Sec. 79002. Reallocation of funds.** Amends paragraph (1) of section 414(d) of the McKinney-Vento Homeless Assistance Act.

### TITLE LXXX—CHILD SUPPORT ASSISTANCE

**Sec. 80001. Requests for consumer reports by State or local child support enforcement agencies.** Amends paragraph (4) of section 604(a) of the Fair Credit Reporting Act.

### TITLE LXXXI—PRIVATE INVESTMENT IN HOUSING

**Sec. 81001. Budget-neutral demonstration program for energy and water conservation improvements at multifamily residential units.** Establishes a demonstration program for energy and water conservation improvements at multifamily residential units. The program shall run from 2016 through 2019, must be budget-neutral, and to be applied at no more than 20,000 residential units.

### TITLE LXXXII—CAPITAL ACCESS FOR SMALL COMMUNITY FINANCIAL INSTITUTIONS

**Sec. 82001. Privately insured credit unions authorized to become members of a Federal home loan bank.** Makes provisions for privately insured credit unions to become members of a federal home loan bank.

**Sec. 82002. GAO Report.** Mandates the Comptroller General to issue a report in 18 months about the adequacy of insurance reserves held by a private deposit insurer that insures deposits in an entity described in section 43(e)(2)(A) of the Federal Deposit Insurance Act.

### TITLE LXXXIII—SMALL BANK EXAM CYCLE REFORM

**Sec. 83001. Smaller institutions qualifying for 18-month examination cycle.** Increases the limits for which bank are considered small in section 10(d) of the Federal Deposit Insurance Act.

### TITLE LXXXIV—SMALL COMPANY SIMPLE REGISTRATION

**Sec. 84001. Forward incorporation by reference for Form S-1.** Mandates that the Securities and Exchange Commission shall revise form S-1.

### TITLE LXXXV—HOLDING COMPANY REGISTRATION THRESHOLD EQUALIZATION

**Sec. 85001. Registration threshold for savings and loan holding companies.** Amends sections 12(g) and 15(d) of the Securities Exchange Act of 1934.

### TITLE LXXXVI—REPEAL OF INDEMNIFICATION REQUIREMENTS

**Sec. 86001. Repeal.** Amends section 5b(k)(5) of the Commodity Exchange Act.

### TITLE LXXXVII—TREATMENT OF DEBT OR EQUITY INSTRUMENTS OF SMALLER INSTITUTIONS

**Sec. 87001. Date for determining consolidated assets.** Amends section 171(b)(4)(C) of the Financial Stability Act of 2010.

### TITLE LXXXVIII—STATE LICENSING EFFICIENCY

## Section-by-Section Summary of H.R. 22, the FAST Act

**Sec. 88001. Short title.** Names this as the “State Licensing Efficiency Act of 2015”.

**Sec. 88002. Background checks.** Amends section 1511 (a) of the S.A.F.E. Mortgage Licensing Act of 2008.

### **TITLE LXXXIX—HELPING EXPAND LENDING PRACTICES IN RURAL COMMUNITIES**

**Sec. 89001. Short title.** Names this as the “HELP Rural Communities Act of 2015”.

**Sec. 89002. Designation of rural area.** Makes provisions for someone who lives or does business in a rural area that has not been designated as such by the Bureau of Consumer Financial Protection to apply for such area to be so designated. The section has establishes the criteria that the Bureau must take into consideration when making a decision.

**Sec. 89003. Operations in rural areas.** Amends sections 129C(b)(2)(E)(iv)(I) and 129D(c)(1) of the Truth in Lending Act.