

117TH CONGRESS
1ST SESSION

S. 1202

To establish a program to improve community connectivity by identifying and removing or mitigating infrastructural barriers that create obstacles to mobility or economic development or expose the community to pollution and other health and safety risks, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 19, 2021

Mr. CARPER (for himself, Mr. VAN HOLLEN, Mr. CARDIN, Mrs. GILLIBRAND, Mr. PADILLA, Mr. WARNOCK, Mr. MARKEY, Mr. SCHUMER, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish a program to improve community connectivity by identifying and removing or mitigating infrastructural barriers that create obstacles to mobility or economic development or expose the community to pollution and other health and safety risks, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reconnecting Commu-
5 nities Act”.

1 **SEC. 2. CONNECTING COMMUNITIES GRANT PROGRAM.**

2 (a) DEFINITIONS.—In this section:

3 (1) CAPITAL CONSTRUCTION GRANT.—The term
4 “capital construction grant” means a capital con-
5 struction grant under subsection (f).

6 (2) COMMUNITY ENGAGEMENT, EDUCATION,
7 AND CAPACITY BUILDING GRANT.—The term “com-
8 munity engagement, education, and capacity build-
9 ing grant” means a community engagement, edu-
10 cation, and capacity building grant under subsection
11 (d).

12 (3) COMMUNITY OF COLOR.—The term “com-
13 munity of color” means, in a State, a census block
14 group for which the aggregate percentage of resi-
15 dents who identify as Black, African-American,
16 American Indian, Alaska Native, Native Hawaiian,
17 Asian, Pacific Islander, Hispanic, Latino, other
18 nonwhite race, or linguistically isolated is—

19 (A) not less than 50 percent; or

20 (B) significantly higher than the State av-
21 erage.

22 (4) INFRASTRUCTURAL BARRIER.—The term
23 “infrastructural barrier” means a highway (includ-
24 ing a limited access highway), a railway, a viaduct,
25 a principal arterial facility, or any other transpor-
26 tation facility for which the high speeds, grade sepa-

1 ration, or other design factors create an obstacle to
2 connectivity, including—

3 (A) obstacles to walking, biking, and mo-
4 bility;

5 (B) diminished access to destinations
6 across the infrastructural barrier; or

7 (C) barriers to the economic development
8 of the surrounding neighborhood.

9 (5) LOW-INCOME COMMUNITY.—The term “low-
10 income community” means a census block group in
11 which not less than 30 percent of the population
12 lives below the poverty line (as defined in section
13 673 of the Community Services Block Grant Act (42
14 U.S.C. 9902)).

15 (6) PLANNING AND FEASIBILITY STUDY
16 GRANT.—The term “planning and feasibility study
17 grant” means a planning and feasibility study grant
18 under subsection (e).

19 (7) PROGRAM.—The term “program” means
20 the program established under subsection (b).

21 (8) SECRETARY.—The term “Secretary” means
22 the Secretary of Transportation.

23 (9) TRIBAL GOVERNMENT.—The term “Tribal
24 government” means the recognized governing body
25 of any Indian or Alaska Native tribe, band, nation,

1 pueblo, village, community, component band, or com-
2 ponent reservation, individually identified (including
3 parenthetically) in the list published most recently as
4 of the date of enactment of this Act pursuant to sec-
5 tion 104 of the Federally Recognized Indian Tribe
6 List Act of 1994 (25 U.S.C. 5131).

7 (b) ESTABLISHMENT.—

8 (1) IN GENERAL.—The Secretary shall establish
9 a program to help communities—

10 (A) identify infrastructural barriers within
11 the community that—

12 (i) create obstacles to mobility or eco-
13 nomic development; or

14 (ii) expose the community to high lev-
15 els of particulate matter, noise pollution,
16 and other public health and safety risks;

17 (B) study the feasibility of improving, and
18 develop plans to improve, community
19 connectivity, including through—

20 (i) removal or retrofit of an
21 infrastructural barrier; or

22 (ii) construction of facilities to miti-
23 gate the obstacle created by the
24 infrastructural barrier by enhancing

1 connectivity across the infrastructural bar-
2 rier;

3 (C) plan the redevelopment of any land
4 made available by the removal or retrofit of the
5 infrastructural barrier, with a focus on improve-
6 ments that will benefit the populations im-
7 pacted by or previously displaced by the
8 infrastructural barrier;

9 (D) access funding to carry out the activi-
10 ties described in subparagraphs (B) and (C);
11 and

12 (E) require the equity of any activities car-
13 ried out under the program, including by gar-
14 nering community engagement, avoiding dis-
15 placement, and ensuring local participation in
16 jobs created through those activities.

17 (2) TYPES OF GRANTS.—Under the program,
18 the Secretary shall award the following types of
19 grants:

20 (A) Community engagement, education,
21 and capacity building grants.

22 (B) Planning and feasibility study grants.

23 (C) Capital construction grants.

24 (3) MULTIPLE GRANTS PERMITTED.—An eligi-
25 ble entity may apply for and receive funding from

1 more than 1 type of grant described in paragraph
 2 (2).

3 (c) REQUIREMENT FOR PROJECT SELECTION.—To
 4 receive a grant under the program, a project shall provide
 5 the majority of project benefits to 1 or more communities
 6 of color or low-income communities.

7 (d) COMMUNITY ENGAGEMENT, EDUCATION, AND
 8 CAPACITY BUILDING GRANTS.—

9 (1) ELIGIBLE ENTITIES.—The Secretary may
 10 award a community engagement, education, and ca-
 11 pacity building grant to carry out community en-
 12 gagement, education, and capacity building activities
 13 described in paragraph (2) to—

14 (A) a political subdivision of a State or
 15 local government;

16 (B) a Tribal government;

17 (C) a metropolitan planning organization;

18 and

19 (D) a nonprofit organization.

20 (2) ELIGIBLE ACTIVITIES.—A community en-
 21 gagement and capacity building activity referred to
 22 in paragraph (1) includes an activity—

23 (A) to educate community members about
 24 opportunities to affect transportation and eco-

1 nomic development planning and investment de-
2 cisions;

3 (B) to build organizational or community
4 capacity to engage in transportation and eco-
5 nomic development planning;

6 (C) to identify community needs and de-
7 sires for community improvements;

8 (D) to develop community-driven solutions
9 to local challenges;

10 (E) to conduct assessments of equity, mo-
11 bility and access, environmental justice, afford-
12 ability, economic opportunity, health outcomes,
13 and other local goals;

14 (F) to form a community advisory board in
15 accordance with subsection (g); and

16 (G) to engage community members in sce-
17 nario planning.

18 (3) FEDERAL SHARE.—The Federal share of
19 the cost of an activity carried out with funds from
20 a community engagement, education, and capacity
21 building grant may be up to 100 percent, at the dis-
22 cretion of the eligible entity.

23 (e) PLANNING AND FEASIBILITY STUDY GRANTS.—

24 (1) ELIGIBLE ENTITIES.—

(A) IN GENERAL.—The Secretary may award a planning and feasibility study grant to carry out planning activities described in paragraph (2) to—

(i) a State;

(ii) a political subdivision of a State or local government;

(iii) a Tribal government;

(iv) a metropolitan planning organization; and

(v) a nonprofit organization.

(B) PARTNERSHIPS.—In the case of an eligible entity that is not the owner of the infrastructural barrier that is the subject of the planning and feasibility study grant, the eligible entity shall demonstrate the existence of a partnership with the owner of the infrastructural barrier.

(2) ELIGIBLE ACTIVITIES.—A planning activity referred to in paragraph (1)(A) includes—

(A) development of designs and artistic renderings to facilitate community engagement;

(B) traffic studies, nonmotorized accessibility analyses, equity needs analyses, and collection of other relevant data;

1 (C) planning studies to evaluate the feasi-
2 bility of removing or retrofitting an
3 infrastructural barrier, or the construction of
4 facilities to mitigate the obstacle created by the
5 infrastructural barrier by enhancing
6 connectivity across the infrastructural barrier;

7 (D) public engagement activities to provide
8 opportunities for public input into a plan to re-
9 move, convert, or mitigate an infrastructural
10 barrier;

11 (E) environmental review, consultation, or
12 other action required under any Federal envi-
13 ronmental law relating to the review or ap-
14 proval of a project to remove, retrofit, or miti-
15 gate an existing infrastructural barrier;

16 (F) establishment of a community land
17 trust for the development and use of real estate
18 created by the removal or capping of an
19 infrastructural barrier; and

20 (G) other transportation planning activities
21 required in advance of a project to remove, ret-
22 rofit or mitigate an existing infrastructural bar-
23 rier, as determined by the Secretary.

24 (3) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide to an eligible entity technical assistance in building organizational or community capacity—

(i) to engage in transportation planning; and

(ii) to identify innovative solutions to infrastructure challenges, including reconnecting communities that—

(I) are bifurcated by eligible facilities; or

(II) lack safe, reliable, and affordable transportation choices.

(B) PRIORITIES.—In selecting recipients of technical assistance under subparagraph (A), the Secretary shall give priority to an application from a community that is economically disadvantaged.

(4) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with funds from a planning and feasibility study grant shall be not more than 80 percent.

(f) CAPITAL CONSTRUCTION GRANTS.—

(1) ELIGIBLE ENTITIES.—The Secretary may award a capital construction grant to the owner of

1 an infrastructural barrier to carry out a project de-
2 scribed in paragraph (3) for which all necessary fea-
3 sibility studies and other planning activities have
4 been completed.

5 (2) PARTNERSHIPS.—For the purpose of sub-
6 mitting an application for a capital construction
7 grant, an owner of an infrastructural barrier may, if
8 applicable, partner with—

9 (A) a State;

10 (B) a unit of local government;

11 (C) a Tribal government;

12 (D) a metropolitan planning organization;

13 or

14 (E) a nonprofit organization.

15 (3) ELIGIBLE PROJECTS.—

16 (A) IN GENERAL.—A project eligible to be
17 carried out with a capital construction grant in-
18 cludes—

19 (i) the removal of an infrastructural
20 barrier;

21 (ii) the retrofit of an infrastructural
22 barrier in a way that enhances community
23 connectivity and is sensitive to the context
24 of the surrounding community, including
25 retrofits to a highway to cap the facility or

1 replace the facility with an at-grade arte-
 2 rial roadway;

3 (iii) the construction of facilities that
 4 improve connectivity across the
 5 infrastructural barrier;

6 (iv) the replacement of an
 7 infrastructural barrier with a new use or
 8 facility that has been identified by mem-
 9 bers of the community; and

10 (v) the construction of other transpor-
 11 tation improvements that address the mo-
 12 bility needs of the community.

13 (B) EXCLUSION.—Funds from a capital
 14 construction grant shall not be used on a
 15 project that increases net capacity for vehicular
 16 travel.

17 (4) PRIORITY FOR CAPITAL CONSTRUCTION
 18 GRANTS.—In selecting eligible entities to receive a
 19 capital construction grant, the Secretary shall give
 20 priority to an eligible entity that—

21 (A) has entered into a community benefits
 22 agreement with representatives of the commu-
 23 nity;

1 (B) serves a community in which an anti-
 2 displacement policy or a community land trust
 3 is in effect;

4 (C) has formed a community advisory
 5 board under subsection (g); or

6 (D) has demonstrated a plan for—

7 (i) employing residents in the area im-
 8 pacted by the activity or project through
 9 targeted hiring programs; and

10 (ii) contracting and subcontracting
 11 with disadvantaged business enterprises.

12 (5) REQUIREMENT.—In order to receive a cap-
 13 ital construction grant, the owner of the
 14 infrastructural barrier shall demonstrate that the
 15 project is supported by the community in the imme-
 16 diate vicinity of the project.

17 (6) FEDERAL SHARE.—

18 (A) IN GENERAL.—Except as provided in
 19 subparagraph (B), the Federal share of the cost
 20 of a project carried out with a capital construc-
 21 tion grant may be not more than 80 percent.

22 (B) MAXIMUM FEDERAL INVOLVEMENT.—
 23 Federal assistance other than a capital con-
 24 struction grant may be used to satisfy the non-

1 Federal share of the cost of a project for which
2 the grant is awarded.

3 (g) COMMUNITY ADVISORY BOARD.—

4 (1) IN GENERAL.—To help achieve inclusive
5 economic development benefits, an eligible entity
6 may form a community advisory board, which
7 shall—

8 (A) facilitate community engagement with
9 respect to the activity or project proposed to be
10 carried out; and

11 (B) track progress with respect to commit-
12 ments of the eligible entity to inclusive employ-
13 ment, contracting, and economic development
14 under the activity or project.

15 (2) MEMBERSHIP.—If an eligible entity forms a
16 community advisory board under paragraph (1), the
17 community advisory board shall be composed of rep-
18 resentatives of—

19 (A) the community;

20 (B) owners of businesses that serve the
21 community;

22 (C) labor organizations that represent
23 workers that serve the community; and

24 (D) State and local government.

1 (h) ADMINISTRATIVE COSTS.—For each fiscal year,
2 the Secretary may use not more than 2 percent of the
3 amounts made available for the program for the costs of
4 administering the program.

5 (i) REPORT.—Not later than 2 years after the date
6 of enactment of this Act, the Secretary shall submit to
7 the Committee on Environment and Public Works of the
8 Senate and the Committee on Transportation and Infra-
9 structure of the House of Representatives a report that—

10 (1) assesses the impacts and benefits of high-
11 way removals on congestion, mobility, and safety in
12 the project vicinity, and the extent to which those
13 impacts differ from projected impacts;

14 (2) includes recommendations for how traffic
15 forecasting should—

16 (A) consider nonmotorized travel demand;
17 and

18 (B) track and be updated in response to
19 observed travel behavior responses to changes in
20 transportation capacity and land use; and

21 (3) includes recommendations for how environ-
22 mental reviews for projects funded under the Fed-
23 eral-aid highway program should consider, identify,
24 and quantify, during project development, any di-

1 minished access, including nonmotorized access, that
2 will result from the project.

3 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated out of the Highway Trust
5 Fund (other than the Mass Transit Account) to carry out
6 this section \$3,000,000,000 for each of fiscal years 2022
7 through 2026.

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