

117TH CONGRESS
1ST SESSION

S. 2308

To amend title 49, United States Code, to modify the threshold for small start projects under the fixed guideway capital investment grant program, to allow certain environmental review expenditures to count for purposes of non-Federal matches, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 12, 2021

Mr. WARNOCK (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend title 49, United States Code, to modify the threshold for small start projects under the fixed guideway capital investment grant program, to allow certain environmental review expenditures to count for purposes of non-Federal matches, 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. FIXED GUIDEWAY CAPITAL INVESTMENT**
4 **GRANTS.**

5 Section 5309 of title 49, United States Code, is
6 amended—

7 (1) in subsection (a)—

1 (A) by redesignating paragraphs (2)
 2 through (7) as paragraphs (3) through (8), re-
 3 spectively;

4 (B) by inserting after paragraph (1) the
 5 following:

6 “(2) COMMUTER OR DESTINATION-BASED BUS
 7 RAPID TRANSIT PROJECT.—The term ‘commuter or
 8 destination-based bus rapid transit project’ means a
 9 small start project utilizing buses—

10 “(A) in which the project represents a sub-
 11 stantial investment in a defined corridor, as
 12 demonstrated by features that emulate the serv-
 13 ices provided by commuter rail or other rail
 14 fixed guideway public transportation systems,
 15 including—

16 “(i) defined stations;

17 “(ii) traffic signal or access to man-
 18 aged lanes for public transportation vehi-
 19 cles;

20 “(iii) short headway services for a
 21 substantial part of weekdays; and

22 “(iv) any other features the Secretary
 23 may determine support a long-term cor-
 24 ridor investment; and

25 “(B) in which—

1 “(i) the majority of the project does
 2 not operate in a separated right-of-way
 3 dedicated for public transportation use
 4 during peak periods; and

5 “(ii) a substantial portion of the
 6 project operates in a highway right-of-
 7 way.”; and

8 (C) in paragraph (8) (as so redesign-
 9 nated)—

10 (i) in subparagraph (A), by striking
 11 “\$100,000,000” and inserting
 12 “\$320,000,000”; and

13 (ii) in subparagraph (B), by striking
 14 “\$300,000,000” and inserting
 15 “\$400,000,000”;

16 (2) in subsection (h), by adding at the end the
 17 following:

18 “(8) COMMUTER OR DESTINATION-BASED BUS
 19 RAPID TRANSIT PROJECT RATINGS.—In issuing pol-
 20 icy guidance under subsection (g)(5), the Secretary
 21 may establish alternative evaluation criteria for com-
 22 muter or destination-based bus rapid transit projects
 23 for—

24 “(A) economic development effects associ-
 25 ated with those projects; or

1 “(B) policies and land use patterns that
2 support public transportation.”;

3 (3) in subsection (k)(2), by striking subpara-
4 graphs (E) and (F);

5 (4) in subsection (l), by adding at the end the
6 following:

7 “(9) ENVIRONMENTAL REVIEW EXPENDI-
8 TURES.—Notwithstanding any other provision of
9 law, with respect to a project that receives a grant
10 under this section, an expenditure made to comply
11 with the National Environmental Policy Act of 1969
12 (42 U.S.C. 4321 et seq.) before the project enters
13 project development may be considered as an ex-
14 penditure that helps meet the non-Federal financial
15 commitment required for that project under this sec-
16 tion.”; and

17 (5) in subsection (o)—

18 (A) by striking paragraph (2);

19 (B) by redesignating paragraph (3) as
20 paragraph (2); and

21 (C) by adding at the end the following:

22 “(3) PROGRAM DASHBOARD.—

23 “(A) ESTABLISHMENT.—The Secretary
24 shall establish and maintain on a publicly avail-

1 able website a fixed guideway capital invest-
2 ment grant program dashboard.

3 “(B) REQUIREMENTS.—The dashboard es-
4 tablished under subparagraph (A) shall con-
5 tain—

6 “(i) the amount of funding appro-
7 priated to the program under this section
8 for each fiscal year for each program com-
9 ponent, including funding for core capacity
10 improvement projects, small start projects,
11 and new fixed guideway capital projects, if
12 specific amounts are appropriated for each
13 program component;

14 “(ii) the amount of funding allocated
15 from the program under this section for
16 each fiscal year to each program compo-
17 nent, including core capacity improvement
18 projects, small start projects, and new
19 fixed guideway capital projects; and

20 “(iii) the amount of funding obligated
21 from the program under this section to
22 each program component, including core
23 capacity improvement projects, small start
24 projects, and new fixed guideway capital
25 projects.

1 “(C) PROJECT TRACKER.—The dashboard
2 established under subparagraph (A) shall, to
3 the extent practicable, include a comprehensive
4 tracker of the status of each project for which
5 funding under this section is sought for the du-
6 ration during which the project participates in
7 the program under this section, which shall in-
8 clude—

9 “(i) the status of the project in the
10 approval process, including—

11 “(I) the date on which the
12 project entered into each phase of the
13 approval process, including, as appli-
14 cable, the date on which project devel-
15 opment, engineering, and construction
16 begins and the date on which a grant
17 agreement is executed; and

18 “(II) the status of a request for
19 approval of entry into each phase of
20 the approval process, including—

21 “(aa) whether the Federal
22 Transit Administration, the Of-
23 fice of the Secretary, the Office
24 of Management and Budget, or

1 another Federal agency is review-
2 ing the request for approval;

3 “(bb) the date on which the
4 project sponsor requested ap-
5 proval for entry into a new
6 phase; and

7 “(cc) whether the Federal
8 Transit Administration, the Of-
9 fice of the Secretary, the Office
10 of Management and Budget, or
11 any other Federal agency, as ap-
12 plicable, has completed the review
13 of the request for approval;

14 “(ii) the status of the environmental
15 review process for the project through a
16 link to the relevant information with re-
17 spect to the project on the Permitting
18 Dashboard required under section
19 41003(b) of the FAST Act (42 U.S.C.
20 4370m–2(b));

21 “(iii) the status of each project for
22 which an early systems work agreement is
23 requested, including—

24 “(I) whether the Federal Transit
25 Administration, the Office of the Sec-

1 retary, or the Office of Management
2 and Budget is reviewing the request
3 for the early systems work agreement;
4 “(II) the status of the review
5 under that office; and
6 “(III) the date on which—
7 “(aa) the request was re-
8 ceived;
9 “(bb) the request was ap-
10 proved or denied; and
11 “(cc) if the request was ap-
12 proved, the early systems work
13 agreement was issued;
14 “(iv) based on information from the
15 project sponsor, the locally proposed finan-
16 cial plan for the project, which shall in-
17 clude the estimated breakdown of—
18 “(I) Federal funds anticipated
19 from sources other than the funding
20 provided under this section; and
21 “(II) State and local funds; and
22 “(v) based on information provided by
23 the project sponsor, the status of the

- 1 project sponsor in securing the required
- 2 non-Federal cost share.”.

