

117TH CONGRESS
1ST SESSION

S. 614

To amend title 23, United States Code, to improve the transportation alternatives program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2021

Mr. CARDIN (for himself and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to improve the transportation alternatives program, 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 “Transportation Alter-
5 natives Enhancements Act”.

6 **SEC. 2. TRANSPORTATION ALTERNATIVES PROGRAM.**

7 (a) SET-ASIDE.—Section 133(h)(1) of title 23,
8 United States Code, is amended—

9 (1) in the heading, by striking “RESERVATION
10 OF FUNDS” and inserting “IN GENERAL”; and

1 (2) in the matter preceding subparagraph (A),
 2 by striking “for each fiscal year” and all that follows
 3 through the period at the end of subparagraph
 4 (B)(ii) and inserting “for fiscal year 2022 and each
 5 fiscal year thereafter, the Secretary shall set aside
 6 an amount equal to 10 percent to carry out this sub-
 7 section.”.

8 (b) ALLOCATION.—Section 133(h) of title 23, United
 9 States Code, is amended by striking paragraph (2) and
 10 inserting the following:

11 “(2) ALLOCATION WITHIN A STATE.—

12 “(A) IN GENERAL.—Except as provided in
 13 subparagraph (B), funds set aside for a State
 14 under paragraph (1) shall be obligated within
 15 that State in the manner described in sub-
 16 section (d), except that, for purposes of this
 17 paragraph (after funds are made available
 18 under paragraph (5))—

19 “(i) for fiscal year 2022 and each fis-
 20 cal year thereafter, the percentage referred
 21 to in paragraph (1)(A) of that subsection
 22 shall be deemed to be 66 percent; and

23 “(ii) paragraph (3) of subsection (d)
 24 shall not apply.

1 “(B) LOCAL CONTROL.—A State may allo-
2 cate up to 100 percent of the funds referred to
3 in subparagraph (A)(i) if—

4 “(i) the State submits to the Sec-
5 retary a plan that describes—

6 “(I) how funds will be allocated
7 to counties, metropolitan planning or-
8 ganizations, regional transportation
9 planning organizations as described in
10 section 135(m), or local governments;

11 “(II) how the entities described
12 in subclause (I) will carry out a com-
13 petitive process to select projects for
14 funding and report selected projects
15 to the State;

16 “(III) how input was gathered
17 from the entities described in sub-
18 clause (I) to ensure those entities are
19 able and willing to comply with the re-
20 quirements of this subsection; and

21 “(IV) how the State will comply
22 with paragraph (8); and

23 “(ii) the Secretary approves the plan
24 submitted under clause (i).”.

1 (c) ELIGIBLE PROJECTS.—Section 133(h)(3) of title
 2 23, United States Code, is amended by striking “reserved”
 3 and inserting “set aside”.

4 (d) ACCESS TO FUNDS.—Section 133(h)(4) of title
 5 23, United States Code, is amended—

6 (1) by striking subparagraph (A);

7 (2) by redesignating subparagraph (B) as sub-
 8 paragraph (A);

9 (3) in subparagraph (A) (as so redesignated)—

10 (A) by redesignating clauses (vii) and (viii)
 11 as clauses (viii) and (ix), respectively;

12 (B) by inserting after clause (vi) the fol-
 13 lowing:

14 “(vii) a metropolitan planning organi-
 15 zation that serves an urbanized area with
 16 a population of 200,000 or fewer;”;

17 (C) in clause (viii) (as so redesignated), by
 18 striking “responsible” and all that follows
 19 through “programs”; and

20 (D) in clause (ix) (as so redesignated), by
 21 inserting “that serves an urbanized area with a
 22 population of over 200,000” after “metropoli-
 23 tan planning organization”; and

24 (4) by adding at the end the following:

1 “(B) COMPETITIVE PROCESS.—A State or
 2 metropolitan planning organization required to
 3 obligate funds in accordance with paragraph (2)
 4 shall develop a competitive process to allow eli-
 5 gible entities to submit projects for funding
 6 that achieve the objectives of this subsection.

7 “(C) SELECTION.—A metropolitan plan-
 8 ning organization for an area described in sub-
 9 section (d)(1)(A)(i) shall select projects under
 10 the competitive process described in subpara-
 11 graph (B) in consultation with the relevant
 12 State.

13 “(D) PRIORITIZATION.—The competitive
 14 process described in subparagraph (B) shall in-
 15 clude prioritization of project location and im-
 16 pact in high-need areas as defined by the State,
 17 such as low-income, transit-dependent, rural, or
 18 other areas.”.

19 (e) CONTINUATION OF CERTAIN RECREATIONAL
 20 TRAILS PROJECTS.—Section 133(h)(5)(A) of title 23,
 21 United States Code, is amended by striking “reserved
 22 under this section” and inserting “set aside under this
 23 subsection”.

24 (f) STATE FLEXIBILITY.—Section 133(h)(6) of title
 25 23, United States Code, is amended—

1 (1) in subparagraph (B), by striking “reserved”
2 and inserting “set aside”; and

3 (2) by adding at the end the following:

4 “(C) IMPROVING ACCESSIBILITY AND EFFI-
5 CIENCY.—

6 “(i) IN GENERAL.—A State may use
7 an amount equal to not more than 5 per-
8 cent of the funds set aside for the State
9 under this subsection, after allocating
10 funds in accordance with paragraph
11 (2)(A), to improve the ability of applicants
12 to access funding for projects under this
13 subsection in an efficient and expeditious
14 manner by—

15 “(I) providing to applicants for
16 projects under this subsection applica-
17 tion assistance, technical assistance,
18 and assistance in reducing the period
19 of time between the selection of the
20 project and the obligation of funds for
21 the project; and

22 “(II) by providing funding for 1
23 or more full-time State employee posi-
24 tions to administer this subsection.

1 “(ii) USE OF FUNDS.—Amounts used
2 under clause (i) may be expended—

3 “(I) directly by the State; or

4 “(II) through contracts with
5 State agencies, private entities, or
6 nonprofit entities.”.

7 (g) FEDERAL SHARE.—Section 133(h) of title 23,
8 United States Code, is amended—

9 (1) by redesignating paragraph (7) as para-
10 graph (8); and

11 (2) by inserting after paragraph (6) the fol-
12 lowing:

13 “(7) FEDERAL SHARE.—

14 “(A) REQUIRED AGGREGATE NON-FED-
15 ERAL SHARE.—The average annual non-Federal
16 share of the total cost of all projects for which
17 funds are obligated under this subsection in a
18 State for a fiscal year shall be not less than the
19 non-Federal share authorized for the State
20 under section 120(b).

21 “(B) FLEXIBLE FINANCING.—Subject to
22 subparagraph (A), notwithstanding section
23 120—

24 “(i) funds made available to carry out
25 section 148 may be credited toward the

non-Federal share of the costs of a project
under this subsection if the project—

“(I) is an eligible project described in section 148(e)(1); and

“(II) contributes to the annual safety performance targets of the State;

“(ii) the non-Federal share for a project under this subsection may be calculated on a project, multiple-project, or program basis; and

“(iii) the Federal share of the cost of an individual project in this section may be up to 100 percent.”.

(h) IMPROVED TRANSPARENCY.—Paragraph (8)(A) of section 133(h) of title 23, United States Code (as redesignated by subsection (g)(1)), is amended—

(1) in the matter preceding clause (i), by striking “describes” and inserting “includes”; and

(2) by striking clause (ii) and inserting the following:

“(ii) a list of each project selected for funding for each fiscal year, including, for each project—

1 “(I) the fiscal year during which
2 the project was selected;

3 “(II) the fiscal year in which the
4 project is anticipated to be funded;

5 “(III) the recipient;

6 “(IV) the location, including the
7 congressional district;

8 “(V) the type; and

9 “(VI) a brief description.”.

10 (i) STATE TRANSFERABILITY.—Section 126(b)(2) of
11 title 23, United States Code, is amended—

12 (1) by striking the period at the end and insert-
13 ing “; and”;

14 (2) by striking “for a fiscal year may” and in-
15 serting the following: “for a fiscal year—

16 “(A) may”; and

17 (3) by adding at the end the following:

18 “(B) may only be transferred if the Sec-
19 retary certifies that the State—

20 “(i) held a competition in compliance
21 with the guidance issued to carry out sec-
22 tion 133(h) and provided sufficient time
23 for applicants to apply;

1 “(ii) offered to each eligible entity,
2 and provided on request of an eligible enti-
3 ty, technical assistance; and

4 “(iii) demonstrates that there were
5 not sufficiently suitable applications from
6 eligible entities to use the funds to be
7 transferred.”.

8 (j) EFFECTIVE DATE.—This section and the amend-
9 ments made by this section shall take effect on October
10 1, 2021.

○