

to the Administrator of the Federal Highway Administration to provide grants for projects in communities described in paragraph (2) for the same purposes and administered in the same manner as described in subsection (a).

(2) COMMUNITIES DESCRIBED.—A community referred to in paragraph (1) is a community that—

(A) is economically disadvantaged, underserved, or located in an area of persistent poverty;

(B) has entered or will enter into a community benefits agreement with representatives of the community;

(C) has an anti-displacement policy, a community land trust, or a community advisory board in effect; or

(D) has demonstrated a plan for employing local residents in the area impacted by the activity or project proposed under this section.

(e) ADMINISTRATION.—

(1) IN GENERAL.—A project carried out under subsection (a) or (d) shall be treated as a project on a Federal-aid highway.

(2) COMPLIANCE WITH EXISTING REQUIREMENTS.—Funds made available for a grant under this section and administered by or through a State department of transportation shall be expended in compliance with the U.S. Department of Transportation's Disadvantaged Business Enterprise Program.

(f) COST SHARE.—The Federal share of the cost of an activity carried out using a grant awarded under this section shall be not more than 80 percent, except that the Federal share of the cost of a project in a disadvantaged or underserved community may be up to 100 percent.

(g) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$50,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for—

(1) guidance, technical assistance, templates, training, or tools to facilitate efficient and effective contracting, design, and project delivery by units of local government;

(2) subgrants to units of local government to build capacity of such units of local government to assume responsibilities to deliver surface transportation projects; and

(3) operations and administration of the Federal Highway Administration.

(h) LIMITATIONS.—Amounts made available under this section shall not—

(1) be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways; and

(2) be used for a project for additional through travel lanes for single-occupant passenger vehicles.

(Added Pub. L. 117-169, title VI, § 60501(a), Aug. 16, 2022, 136 Stat. 2080.)

§ 178. Environmental review implementation funds

(a) ESTABLISHMENT.—In addition to amounts otherwise available, for fiscal year 2022, there is

appropriated to the Administrator, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until September 30, 2026, for the purpose of facilitating the development and review of documents for the environmental review process for proposed projects through—

(1) the provision of guidance, technical assistance, templates, training, or tools to facilitate an efficient and effective environmental review process for surface transportation projects and any administrative expenses of the Federal Highway Administration to conduct activities described in this section; and

(2) providing funds made available under this subsection to eligible entities—

(A) to build capacity of such eligible entities to conduct environmental review processes;

(B) to facilitate the environmental review process for proposed projects by—

(i) defining the scope or study areas;

(ii) identifying impacts, mitigation measures, and reasonable alternatives;

(iii) preparing planning and environmental studies and other documents prior to and during the environmental review process, for potential use in the environmental review process in accordance with applicable statutes and regulations;

(iv) conducting public engagement activities; and

(v) carrying out permitting or other activities, as the Administrator determines to be appropriate, to support the timely completion of an environmental review process required for a proposed project; and

(C) for administrative expenses of the eligible entity to conduct any of the activities described in subparagraphs (A) and (B).

(b) COST SHARE.—

(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section by an eligible entity shall be not more than 80 percent.

(2) SOURCE OF FUNDS.—The non-Federal share of the cost of an activity carried out under this section by an eligible entity may be satisfied using funds made available to the eligible entity under any other Federal, State, or local grant program.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Highway Administration.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State;

(B) a unit of local government;

(C) a political subdivision of a State;

(D) a territory of the United States;

(E) an entity described in section 207(m)(1)(E);

(F) a recipient of funds under section 203; or

(G) a metropolitan planning organization (as defined in section 134(b)(2)).

(3) ENVIRONMENTAL REVIEW PROCESS.—The term “environmental review process” has the meaning given the term in section 139(a)(5).

(4) PROPOSED PROJECT.—The term “proposed project” means a surface transportation project for which an environmental review process is required.

(Added Pub. L. 117-169, title VI, §60505(a), Aug. 16, 2022, 136 Stat. 2083.)

§ 179. Low-carbon transportation materials grants

(a) FEDERAL HIGHWAY ADMINISTRATION APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$2,000,000,000, to remain available until September 30, 2026, to the Administrator to reimburse or provide incentives to eligible recipients for the use, in projects, of construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, and for the operations and administration of the Federal Highway Administration to carry out this section.

(b) REIMBURSEMENT OF INCREMENTAL COSTS; INCENTIVES.—

(1) IN GENERAL.—The Administrator shall, subject to the availability of funds, either reimburse or provide incentives to eligible recipients that use low-embodied carbon construction materials and products on a project funded under this title.

(2) REIMBURSEMENT AND INCENTIVE AMOUNTS.—

(A) INCREMENTAL AMOUNT.—The amount of reimbursement under paragraph (1) shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

(B) INCENTIVE AMOUNT.—The amount of an incentive under paragraph (1) shall be equal to 2 percent of the cost of using low-embodied carbon construction materials and products on a project funded under this title.

(3) FEDERAL SHARE.—If a reimbursement or incentive is provided under paragraph (1), the total Federal share payable for the project for which the reimbursement or incentive is provided shall be up to 100 percent.

(4) LIMITATIONS.—

(A) IN GENERAL.—The Administrator shall only provide a reimbursement or incentive under paragraph (1) for a project on a—

- (i) Federal-aid highway;
- (ii) tribal transportation facility;
- (iii) Federal lands transportation facility; or
- (iv) Federal lands access transportation facility.

(B) OTHER RESTRICTIONS.—Amounts made available under this section shall not be sub-

ject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways.

(C) SINGLE OCCUPANT PASSENGER VEHICLES.—Funds made available under this section shall not be used for projects that result in additional through travel lanes for single occupant passenger vehicles.

(5) MATERIALS IDENTIFICATION.—The Administrator shall review the low-embodied carbon construction materials and products identified by the Administrator of the Environmental Protection Agency and shall identify low-embodied carbon construction materials and products—

(A) appropriate for use in projects eligible under this title; and

(B) eligible for reimbursement or incentives under this section.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Highway Administration.

(2) ELIGIBLE RECIPIENT.—The term “eligible recipient” means—

(A) a State;

(B) a unit of local government;

(C) a political subdivision of a State;

(D) a territory of the United States;

(E) an entity described in section 207(m)(1)(E);

(F) a recipient of funds under section 203;

(G) a metropolitan planning organization (as defined in section 134(b)(2)); or

(H) a special purpose district or public authority with a transportation function.

(3) GREENHOUSE GAS.—The term “greenhouse gas” means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

(Added Pub. L. 117-169, title VI, §60506(a), Aug. 16, 2022, 136 Stat. 2085.)

[§§ 181 to 190. Renumbered §§ 601 to 610]

Editorial Notes

CODIFICATION

Subchapter II heading “INFRASTRUCTURE FINANCE” was struck out and sections 181 to 190, which comprised subchapter II of this chapter, were renumbered sections 601 to 610, respectively, and transferred to follow the analysis of chapter 6 of this title, by Pub. L. 109-59, title I, §1602(b)(6)(B), (d), Aug. 10, 2005, 119 Stat. 1247, as amended by Pub. L. 110-244, title I, §101(f), June 6, 2008, 122 Stat. 1574.

CHAPTER 2—OTHER HIGHWAYS

Sec.	
201.	Federal lands and tribal transportation programs.
202.	Tribal transportation program.
203.	Federal lands transportation program.
204.	Federal lands access program.
205.	Forest development roads and trails.
206.	Recreational trails program.
207.	Tribal transportation self-governance program.
208.	Safe routes to school.
[209.	Repealed.]