

**Metropolitan Transportation Commission and Association of Bay Area Governments  
Joint MTC Legislation Committee and ABAG Legislation Committee**

**June 12, 2020**

**Agenda Item 7b**

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**U.S. House of Representatives Transportation Reauthorization Update**

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**Subject:** Overview of the \$500 billion five-year surface transportation reauthorization proposal introduced by the House Transportation and Infrastructure Committee.

**Discussion:** On June 3, 2020, the U.S. House of Representative Committee on Transportation and Infrastructure (T&I Committee) unveiled a five-year, nearly \$500 billion surface transportation reauthorization proposal. The bill—titled “Investing in a New Vision for the Environment and Surface Transportation in America (INVEST in America) Act”—would increase surface transportation investment by about 50 percent above current spending levels with a significant amount of the new funding directed to transit and metropolitan-focused programs, both of which are long-standing MTC priorities. The INVEST in America Act would also weave climate change and resiliency into the core federal transportation program and grow resources to advance national goals related to safety, economic growth, and congestion relief while preserving the flexibility for the Bay Area to address our unique mobility challenges. The proposal is not accompanied by a plan for how to pay for the long-term bill. See Attachment A for the T&I Committee bill summary.

In short, the INVEST in America Act appears to track closely with many of MTC’s federal surface transportation reauthorization priorities, but as always, the devil is in the details. Of note, we expect that unlike previous surface transportation reauthorization processes—in which bills are heavily vetted pre-introduction and advance through the chamber of origin with only minor amendments—there will be opportunities in the coming weeks to seek revisions before the bill is considered on the House floor. This will be especially important as we analyze the bill’s proposed new performance measures related to greenhouse gas emissions and access to jobs and services.

Over the coming days, staff will continue analyzing the bill and will provide a more detailed overview at your June 12 committee meeting.

**Attachment:** Attachment A: 2020 INVEST in America Act Bill Summary

  
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## SUMMARY OF THE “INVESTING IN A NEW VISION FOR THE ENVIRONMENT AND SURFACE TRANSPORTATION IN AMERICA” ACT

Provides \$494 billion over five years to make transformative infrastructure investments in surface and rail transportation. Provides \$411 billion over five years out of the Highway Trust Fund (HTF) for highway, transit, safety, and research programs, a 46 percent increase over current investment levels.

Provides \$319 billion for the Federal-aid highway program under the Federal Highway Administration, \$105 billion for transit programs under the Federal Transit Administration, \$4.6 billion for highway safety programs under the National Highway Traffic Safety Administration, \$5.3 billion for motor carrier safety programs under the Federal Motor Carrier Safety Administration, and \$60 billion for rail programs.

### *Division A – COVID-19 Response and Recovery*

Provides \$83.1 billion in fiscal year (FY) 2021 to ensure States, cities, tribes, territories, and transit agencies can administer programs, advance projects, and preserve jobs in the aftermath of the COVID-19 crisis. Highway, transit, and safety funds are made available at 100 percent Federal share to eliminate the need for a match in FY21. In addition, \$22 billion of the total FY21 amount is available for additional eligibilities including State, local, transit agency, and tribal transportation agency salaries and operating expenses. Current Capital Investment Grant (CIG) projects are authorized to receive an increased Federal cost share to help ensure projects can move forward despite a decrease in local and State revenues designated to cover the local cost share of projects.

### *Division B – Surface Transportation Authorization*

#### Title I – Federal-Aid Highways

##### FORMULA GRANTS

##### **Fix It First**

- Requires National Highway Performance Program (NHPP) funds to focus on state of good repair and operational improvements to existing facilities before building new highway capacity.

##### **Bridge Investment**

- Requires States to spend 20 percent of their NHPP and Surface Transportation Program (STP) any area dollars on bridge repair and rehabilitation projects, supporting approximately \$28 billion in fix-it-first bridge investments in FY 2022-2025. Increases the off-system bridge set-aside to over \$1 billion per year from approximately \$770 million in current law.

## Climate

- Requires DOT to establish a new greenhouse gas (GHG) emissions performance measure.
- Includes a new apportioned program (\$8.35b for FY22-25) to support carbon pollution reduction. Gives States broad eligibility to invest in highway, transit, and rail projects, as well as support operating costs, and holds States accountable by measuring their annual progress. Provides benefits for States that make the most progress and requires low-performing States to invest 10 percent of their STP any area funds in additional projects to help reduce carbon pollution.

## Resilience

- Creates a new apportioned program (\$6.25b for FY22-25) to fund resilience and emergency evacuation needs. Requires States and metropolitan planning organizations (MPOs) to develop an infrastructure vulnerability assessment to guide investments under the program. Makes resilience a core part of the Federal-aid highway program, with expanded eligibilities in other apportioned programs and Emergency Relief (ER).

## CMAQ

- Modifies eligibility for operating assistance to include all State-supported passenger rail lines and allows operating assistance for longer than three years if the project demonstrates net air quality benefits.

## Safety for All Road Users

- Requires States with the highest levels of pedestrian and bicyclist fatalities to set aside funds to address these safety needs. Requires the Federal Highway Administration (FHWA) to adopt context sensitive design principles to provide for complete streets in urban areas and ensure the safety of all road users.
- Boosts safety funding by approximately 30 percent over current investments and boosts Transportation Alternatives Program (TAP) investments by more than 60 percent over current law. Makes safety funds available to expend on safety improvements beyond infrastructure projects.
- Removes the ability for States to set regressive safety targets. Strengthens emphasis on high risk rural roads, while providing for more certainty and flexibility for States that trigger the special rule.
- Codifies and expands eligibilities for safe routes to schools.

## Local Control

- Provides almost \$49 billion over five years in dedicated funding to address local transportation needs.
- Makes reforms to strengthen the State-local relationship, enhance coordination, improve the flow of funds to communities of all sizes, and increase transparency.

## Freight

- Makes the freight formula program fully multimodal and expands environmental considerations in freight planning.
- Allows States to designate additional rural and urban freight corridors and provides more flexibility for States to expend funds across the National Highway Freight Network.

## Tribes, Territories, and Federal Lands

- Significantly increases funding for tribes, territories, and Federal Land Management Agencies (FLMA):
  - **Tribes:** Provides \$750 million in formula funds per year, a nearly 70% increase over current levels.

- **Territories:** Provides \$100 million per year, a nearly 140% increase over current levels.
- **Puerto Rico:** Provides \$210 million per year, a 33% increase over current levels.
- **FLMAs:** Provides \$895 million in formula funds per year, a nearly 40% increase over current investments, and makes changes to the program to ensure FLMAs can obligate funds for projects on the first day of the fiscal year.

#### DISCRETIONARY GRANTS

- **Projects of National and Regional Significance.** Provides more than \$9 billion over the life of the bill for large highway, transit, and freight projects that cannot be funded through annual apportionments or other discretionary sources.
- **Community Transportation Investment Grants.** Provides \$600 million per year for local government applicants. Includes broad eligibility for highway and transit projects, with project evaluation done in a manner that will limit political decision-making.
- **Federal Lands and Tribal Major Projects Program.** Provides \$400 million per year and requires a 50/50 split of grant funds among tribes and Federal lands agencies. Provides more flexibility through a smaller project size, higher Federal share, and a broader set of funding eligibilities. Funds the program out of the HTF so funding is guaranteed.
- **Tribal High Priority Projects.** Provides \$50 million per year on a discretionary basis, for grants of a maximum size of \$5 million, for the highest priority project for tribes whose annual apportionment is insufficient. Provides emergency relief to tribes who can't access other ER funds. Funds the program out of the HTF so funding is guaranteed.
- **Electric Vehicle Charging and Hydrogen Fueling Infrastructure Grants.** Provides \$350 million per year for grants for electric vehicle charging and hydrogen fueling infrastructure. Focuses funding on designated Alternative Fuel Corridors and projects that demonstrate the most effective emissions reductions.
- **Community Climate Innovation Grants.** Provides \$250 million per year to non-State applicants for highway, transit, and rail projects, provided they reduce GHGs.
- **Metro Performance Program.** Provides a total of \$750 million over the life of the bill for funding allocations directly to MPOs to carry out projects selected by the MPO. The Secretary selects applicants to be accepted into the program based on their technical capacity to manage Federal funds.

#### SINGLE-YEAR GRANTS

- **Gridlock Reduction Grants.** Provides \$250 million, of which half is set aside for freight grants. Grants will be awarded for reducing urban congestion in large metro areas, with an emphasis on operational, technological, and mode shift strategies.
- **Rebuild Rural Grants.** Provides \$250 million for rural communities to address needs on and off the Federal-aid system. Focuses funding on safety, state of good repair, and access to jobs and services.
- **Active Transportation Connectivity Grants.** Provides \$250 million for pedestrian and bicycle networks and spines and related planning, including complete streets planning.
- **Commercial Motor Vehicle Parking Grants.** Provides \$250 million to construct and improve truck parking facilities.

## ADDITIONAL PROVISIONS

### **Transportation System Performance and Access**

- Establishes a new performance measure for transportation access that leverages modern data tools to improve the way States and MPOs assess the level of safe, reliable, and convenient access to jobs and services (including shopping, healthcare, childcare, education and workforce training, and financial institutions). Considers the level of access for various travel modes.

### **Increased Accountability**

- Requires FHWA to develop a website that shows all active Federal-aid highway projects over \$5 million in the country. Establishes strong accountability and reporting measures for discretionary grants and other program authorities.

### **Tolling Reform**

- Reestablishes the requirement that FHWA enter into a toll agreement before allowing tolling on a Federal-aid highway.
- Establishes additional guardrails around tolling to ensure that any adverse impacts both on and off the facility are evaluated and addressed. Authorizes congestion pricing with the additional guardrails.

### **Buy America**

- Requires DOT to reevaluate standing nationwide waivers for manufactured products.

### **Workforce Development**

- Creates a Task Force on Developing a 21st Century Surface Transportation Workforce to evaluate current and future workforce needs and develop recommendations.
- Establishes transparency and reporting requirements for the On the Job Training and Supportive Services program. Requires States to develop annual statewide workforce plans to identify and address workforce gaps and underrepresentation of women and minorities.

## **Title II – Public Transportation**

Substantially increases transit funding out of the Highway Trust Fund over current investment levels. Funding for buses and zero emission buses see significant funding increases to make up for cuts to bus funding in the last two reauthorization cycles.

### **Frequency and Ridership**

- Reframes the Federal transit program to boost frequency and ridership.
- Modifies the urban and bus formulas to incentivize frequent rail and bus service instead of low operating costs.
- Provides \$100 million in annual grants to tackle larger city street congestion that slows down buses through support of items like bus only lanes and priority signaling. The program is structured to require a partnership between transit agencies and local/State roadway agencies.
- Establishes new flexible Federal rules for Mobility on Demand that integrate new technologies with transit as the backbone. Retains basic requirements for safety, Buy America, and labor protections. Includes restrictions on single passenger trips and carbon and particulate emissions. Requires a negotiated rulemaking on data sharing between transit agencies, cities, and the private sector.
- Modifies rural formula grants to distribute a greater percentage of funds based on actual transit service provided.

- Provides additional funds to the STIC program for small transit agencies that run more service than comparable agencies.

### **Buy America and other Procurement Reforms**

- Closes loopholes and adds incentives to boost domestic jobs while streamlining compliance and leveling the playing field, with a 5-year phase in period to allow the industry time to adjust.
- Closes loopholes that allow waived components and components exceeding 70 percent domestic content to receive credit for 100 percent domestic content.
- Incentivizes higher domestic content by providing a bonus of an additional 10 percent of domestic content for any component that exceeds 70 percent and providing a bonus of an additional 15 percent of domestic content for any component that exceeds 75 percent.
- Allows final assembly costs to count in the domestic content calculation to disincentivize minimizing final assembly in the United States.
- Creates a new 2.5 percent bonus for any electric bus that uses domestic battery cells.
- Requires FTA to conduct rolling stock certifications to remove the burden from transit agencies. This will enable rolling stock to be certified once, rather than every single contract, and removes variation in Buy America compliance. Requires annual DOT IG audits.

### **Bus Grant Reforms**

- Increases bus funding by 150 percent to reverse the MAP-21 bus cuts.
- Narrows the competitive bus grants to focus on bus facilities and fleet expansions.
- Increases zero emission bus competitive grants fivefold.
- Creates a new state of good repair formula subgrant to push additional formula dollars to transit agencies with the oldest buses.

### **Supporting All Riders**

- Doubles the set-aside of the low-income factor in the urban formula and uses a measure of deep poverty by census tract to target the poorest urban neighborhoods.
- Sets aside \$50 million a year for rural persistent poverty counties, defined as a county with a poverty rate above 20 percent since 1990.
- Establishes a reduced fare pilot project to enable transit agencies to experiment with reduced fares for low-income riders.

### **Supporting Frontline Workers**

- Requires a new focus on operator assault in transit agency safety plans, including a joint management labor committee that must certify the safety plans.
- Requires transit agencies with poor safety metrics to direct up to 10 percent of Federal funds to safety for each poor metric.
- Creates a frontline workforce training center with \$12 million in dedicated funds.
- Prohibits Federal funds for autonomous transit vehicles that replace service and requires advanced worker notice and retraining plans for agencies deploying AVs beyond small demonstrations.

### **Transit-Supportive Communities**

- Strengthens the link between housing density and transit ridership
- Creates the Office of Transit-Supportive Communities to coordinate Federal incentives to foster this link between Federal, State, and local planning policies.
- Doubles to \$20 million the Transit Oriented Development Planning Grants.



- Incentivizes affordable housing in the excess property disposition rules and the CIG rating process.

### **Streamlining Capital Investment Grants (CIG)**

- Reforms Capital Investment Grants by streamlining the approval process, raising the cost share back to the traditional 80 percent, incentivizing lower cost share with an easier approval process, and providing transparency measures so applicants know where they stand in the process.

## **Title III – Highway Traffic Safety**

### **State Highway Safety**

- Provides \$1.9 billion over five years to States for traffic safety. Strengthens traffic safety requirements for States and increases transparency of States' performance in meeting annual safety goals and use of program funds.
- Requires States who have legalized marijuana to consider ways of increasing public awareness over the dangers of drugged driving and ways to reduce injuries and fatalities resulting from driving under the influence of marijuana.
- Creates a new discretionary grant program (\$35 million per year) for States to implement top-rated traffic safety law enforcement measures.

### **National Highway Safety**

- Provides \$300 million over five years to nationwide high-visibility traffic safety enforcement campaigns.
- Doubles the number of national traffic safety enforcement campaigns from three to six each year.
- Creates new campaigns for distracted driving and violations of 'move over laws' which protect road-side first responders and law enforcement.

### **Priority Safety Programs**

- Provides \$2 billion over five year for grants to improve traffic safety in critical areas. Makes targeted improvements to certain Section 405 grants which have been underutilized. Reforms will increase State participation while still maintaining strong safety standards for the following areas:
  - Impaired driving;
  - Distracted driving; and
  - Graduated driver's licensing laws.
- Creates a new grant program for training drivers and law enforcement on proper traffic stop procedure.

## **Title IV – Motor Carrier Safety**

### **Motor Carrier Safety Grants**

- Authorizes significantly higher funding levels for the Motor Carrier Safety Assistance Program, High Priority grants, and Commercial Driver's License Program Implementation grants to assist States in truck and bus safety oversight and enforcement activities, commercial driver licensing, and technology improvements to support those efforts.
- Extends the grant period of performance to ensure funds do not lapse and allows the Secretary to redistribute unobligated funds.

## **Compliance, Safety, Accountability**

- Directs the Secretary to complete the revisions required by the FAST Act to its carrier oversight and intervention model, to prioritize reinstating the public display of safety data, and to finalize a safety fitness determination rule to rate the safety of carriers.

## **Commercial Motor Vehicles**

- Directs the Secretary to complete a rulemaking to require Automatic Emergency Braking systems in newly-manufactured commercial motor vehicles.
- Directs the Secretary to strengthen rear underride guard standards in newly-manufactured trailers and semi-trailers, to further research and consider the feasibility, benefits, and costs associated with installing side underride guards, and creates an Advisory Committee on Underride Protection.

## **School Buses**

- Requires the Secretary to conduct a comprehensive review of efforts to prevent illegal passing of school buses, issue recommendations, and create a public safety messaging campaign.
- Directs the Secretary to review the costs and benefits of requiring lap/shoulder belts in large school buses and consider requiring them in newly manufactured buses.
- Requires newly manufactured school buses to be equipped with automatic emergency braking and electronic stability control systems.
- Directs the Secretary to conduct research and testing of fire prevention and mitigation standards for large school buses and consider issuing updated standards if they are needed.

## **Driver Safety**

- Requires the Secretary to report on delays with implementation of entry-level driver training.
- Applies commercial driver licensing requirements to vehicles carrying 9-15 passengers.
- Creates a Truck Leasing Task Force to examine lease and lease-purchase agreements commonly made available to truck drivers and the impacts of these captive leases on driver pay.
- Requires the Secretary to collect and use data on driver detention to determine the link between detention and safety outcomes.
- Requires the Secretary to evaluate the impacts of exemptions before finalizing changes to hours of service rules and establishes stronger reporting requirements for carriers utilizing exemptions.

## **Title V – Innovation**

### **Technology and Innovation**

- More than doubles funding for technology deployment to expand the implementation of innovations in the surface transportation system.
- Focuses on transformative technologies by increasing funding to the Intelligent Transportation Systems Program and expanding smart infrastructure investment in local communities.
- Creates a new grant program to fund green materials research at universities and focuses deployment programs on green construction materials and practices.
- Increases funding for the University Transportation Centers program.
- Establishes a multimodal freight transportation research program to find innovative ways to make freight movement greener, safer, and more efficient.
- Expands the Federal role in providing State and local governments with critical datasets and tools that will improve performance-based investments and access to jobs and essential services.



- Establishes a new Highly Automated Vehicle and Mobility Innovation Clearinghouse to study the societal impacts of automated vehicles and Mobility on Demand.
- Authorizes automated vehicle research on improving safety for all road users and expanding accessibility in an equitable manner.
- Authorizes new FTA research to enhance transit worker safety and expand Mobility on Demand.

#### **Vehicle-Miles Traveled (VMT) Pilots**

- Nearly doubles funding for VMT pilots across the country, encouraging States to begin implementing successful VMT programs.
- Establishes a national VMT pilot program, including both passenger and commercial vehicles in all 50 States, to invest in developing a sustainable funding mechanism for the surface transportation system.

#### **Title VI – Multimodal Transportation**

- Revises the National Multimodal Freight Policy, the National Strategic Freight Plan, and the requirements for State Freight Plans to include further consideration of environmental and equity impacts.
- Establishes a new deadline for the Secretary to designate a final National Multimodal Freight Network and requires the Secretary to report to Congress on the resources that will be used to meet this deadline.
- Establishes a joint task force between the Department of Transportation and the Internal Revenue Service to study the establishment and administration of a fee on multimodal freight surface transportation services.
- Authorizes pilot program to allow FHWA or FTA grantees, including States, local recipients, and subrecipients, to utilize local or other geographic labor hiring preferences, economic-based labor hiring preferences, and labor hiring preferences for veterans.

#### **Title VII –Transportation Infrastructure Finance and Innovation Act**

- Streamlines the program by raising the threshold above which projects are required to secure multiple credit rating agency opinions.
- Further clarifies that the proceeds of a secured loan under TIFIA shall be considered part of the non-Federal share of a project under title 23 or chapter 53 of title 49 if the loan is repayable from non-Federal funds.
- Allows territories to use funds made available under this section for the non-Federal match under the TIFIA program.
- Clarifies the criteria under which projects are eligible for the streamlined application process.
- Provides additional funding to allow the Department to waive fees for small projects.
- Modifies reporting requirements to include information on whether a TIFIA project is located in a metropolitan or micropolitan area.

### ***Division C – Improving Hazardous Materials Safety Act of 2020***

The Improving Hazardous Materials Safety Act protects the safety of individuals and communities by repealing the current prohibition on the Federal Aviation Administration from establishing lithium battery safety standards for aircraft, and requiring the Department of Transportation to conduct extensive safety evaluations before allowing railroads to transport liquefied natural gas by rail tank car.

### ***Division D - The Transforming Rail by Accelerating Investment Nationwide (TRAIN) Act***

The Transforming Rail by Accelerating Investment Nationwide (TRAIN) Act sets a path to truly transform rail transportation in the United States. In recent years, the demand for environmentally-responsible intercity and commuter passenger rail transportation has increased substantially. While the current COVID-19 pandemic has reduced ridership, we must invest now to meet passenger demand as our Nation recovers and new travel patterns emerge. The TRAIN Act increases FAST Act rail investment levels by more than five times, authorizing \$60 billion to address the state of good repair backlog in rail infrastructure, establish new intercity passenger rail routes, build on Amtrak's legacy, and expand the opportunities for commuter rail. The bill also improves railroad safety, studies the impacts of current industry practices, and sets higher safety standards across the railroad industry to better protect passengers, workers, and the public. Further, the TRAIN Act renews our commitment to the safe transportation of hazardous materials.

#### **Transformative Investments**

- Establishes a new *Passenger Rail Improvement, Modernization, and Expansion (PRIME)* grant program devoted entirely to passenger rail improvements and expansion. Authorized at \$19 billion over five years, it will fund capital projects that improve the state of good repair, optimize performance, and expand intercity rail passenger transportation.
- Reauthorizes the *Consolidated Rail Infrastructure and Safety Improvements (CRISI)* grant program, which funds passenger and freight rail projects, at \$7 billion over five years – an increase of \$5.8 billion over FAST Act levels. It also expands CRISI to new project eligibilities and allows commuter rail authorities to compete for funds.
- Authorizes \$150 million over five years to help pay credit risk premiums for certain borrowers under the *Railroad Rehabilitation and Improvement Financing (RRIF)* program and \$70 million to refund the credit risk premiums of certain past loans.

Together, these grant and loan programs will revitalize our rail network while maintaining strong Buy America and labor standards that maximize the benefits of these investments.

#### **Reinvesting in Amtrak**

As America's national passenger railroad, Amtrak has an important role in our country's transportation system. The TRAIN Act demonstrates support for Amtrak's legacy of serving not just the Northeast Corridor (NEC), but the entire network of long-distance and state-supported routes that comprise the National Network and serve as vital connections across the country. The bill authorizes \$29.3 billion over five years (\$13.1 billion for the NEC and \$16.2 billion for the National Network) – more than three times the FAST Act level of investment. These investments will help Amtrak tackle the state of good repair backlog, support the development of new state-supported routes, and strengthen the network to revitalize and grow service. The bill authorizes higher funding levels for fiscal years 2021 and 2022 to help Amtrak and its State partners recover from decreased ridership and revenues caused by the COVID-19 health crisis.

The TRAIN Act also gives States a voice in how Amtrak builds its future network and improves transparency and accountability while strengthening these partnerships. The TRAIN Act makes reforms to improve the quality and level of passenger service, equips Amtrak with the tools needed to secure access to the entire system, and helps ensure Amtrak's continued history of providing quality jobs and employing a skilled workforce.

## **Rail Safety**

While we renew and grow the national rail network, the safety of passengers, communities where trains travel, and the railroad workforce must remain a top priority. The TRAIN Act makes numerous safety improvements and investments to raise the bar on safety. It establishes a new grade separation grant program at \$2.5 billion over five years. The bill also implements National Transportation Safety Board recommendations issued in response to the December 2017 Amtrak derailment near DuPont, Washington, addresses blocked crossings, and improves the Federal Railroad Administration waiver and accident investigation process. It further supports safe railroad operations by requiring that freight trains, with limited exceptions, must have a certified engineer and conductor, and sets high standards for railroad workers performing train or dispatching service in the United States.

###