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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. ESPAILLAT introduced the following bill; which was referred to the Committee on _____

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—

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

3 (2) by striking “for each fiscal year,” and all
4 that follows through the end and inserting “for fis-
5 cal year 2021 and each fiscal year thereafter, the
6 Secretary shall set aside an amount equal to 10 per-
7 cent to carry out this subsection.”.

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 2021 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) ELIGIBLE ENTITIES.—Section 133(h)(4)(B) of
5 title 23, United States Code, is amended—

6 (1) by redesignating clauses (vii) and (viii) as
7 clauses (viii) and (ix), respectively;

8 (2) by inserting after clause (vi) the following:

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

12 (3) in clause (viii) (as so redesignated), by
13 striking “responsible” and all that follows through
14 “programs”; and

15 (4) in clause (ix) (as so redesignated), by in-
16 serting “that serves an urbanized area with a popu-
17 lation of over 200,000” after “metropolitan planning
18 organization”.

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

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

3 “(I) is an eligible project de-
4 scribed in section 148(e)(1); and

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

8 “(ii) the non-Federal share for a
9 project under this subsection may be cal-
10 culated on a project, multiple-project, or
11 program basis; and

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

15 (h) STATE TRANSFERABILITY.—Section 126(b)(2) of
16 title 23, United States Code, is amended by striking the
17 period at the end of (2) and inserting: “and may only be
18 transferred if the Secretary certifies that the State—

19 “(1) held a competition in compliance with the
20 guidance on Section 133(h) with sufficient time for
21 applicants to apply;

22 “(2) offered technical assistance to all eligible
23 entities and provided it to those who requested it;
24 and

1 “(3) can demonstrate that there were not suffi-
2 ciently suitable applications from eligible entities to
3 use the funds to be transferred.”.

4 (i) IMPROVED TRANSPARENCY.—Paragraph (8)(A)
5 of section 133(h) of title 23, United States Code, (as so
6 redesignated by subsection (g)) is amended by striking
7 clause (ii) and inserting the following:

8 “(ii) the list of each project selected
9 for funding for each year, including for
10 each project the year selected, the fiscal
11 year in which the project is anticipated to
12 be funded, the recipient, the location, the
13 type, and a brief description.”.

14 (j) SAFE ROUTES TO HIGH SCHOOLS.—Section 1404
15 of SAFETEA-LU (23 U.S.C. 402 note) is amended—

16 (1) in subsection (a) by striking “primary and
17 middle” and inserting “primary, middle, and high”;
18 and

19 (2) in subsection (k)(2)—

20 (A) in the heading, by striking “PRIMARY
21 AND MIDDLE” and inserting “PRIMARY, MID-
22 DLE, AND HIGH”;

23 (B) by striking “primary and middle” and
24 inserting “primary, middle, and high”; and

1 (C) by striking “eighth grade” and insert-
2 ing “12th grade”.

3 (k) EFFECTIVE DATE.—This section and the amend-
4 ments made by this section shall take effect on October
5 1, 2020.