

## S 1647

### Developing a Reliable and Innovative Vision for the Economy Act

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Transportation and Public Works

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## Sponsor

**Name:** Sen. Inhofe, James M. [R-OK]

**Party:** Republican • **State:** OK • **Chamber:** Senate

## Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Boxer, Barbara [D-CA]	D · CA		Jun 23, 2015
Sen. Carper, Thomas R. [D-DE]	D · DE		Jun 23, 2015
Sen. Vitter, David [R-LA]	R · LA		Jun 23, 2015

## Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Reported By	Jul 15, 2015

## Subjects & Policy Tags

### Policy Area:

Transportation and Public Works

## Related Bills

Bill	Relationship	Last Action
114 HR 3997	Related bill	Nov 17, 2015: Referred to the Subcommittee on Highways and Transit.

## **Developing a Reliable and Innovative Vision for the Economy Act or the DRIVE Act**

### **TITLE I--FEDERAL-AID HIGHWAYS**

#### **Subtitle A--Authorizations and Programs**

(Sec. 1001) Authorizes appropriations out of the Highway Trust Fund (HTF) (other than the Mass Transit Account) for FY2016-FY2021 for:

- certain core Federal-aid highway programs;
- the transportation infrastructure finance and innovation program;
- the federal lands, tribal transportation, and lands access programs;
- the territorial and Puerto Rico highway program;
- the major projects program;
- the highway research and development program;
- the technology and innovation deployment program;
- training and education;
- the intelligent transportation systems (ITS) program; and
- the university transportation centers program.

Authorizes appropriations out of the general fund of the Treasury for the Bureau of Transportation Statistics.

Requires the expenditure of 10% of amounts made available for federal-aid highways and public transportation programs on small business concerns owned and controlled by socially and economically disadvantaged individuals.

Requires states to compile annual lists of small disadvantaged business enterprises according to minimum uniform criteria established by the Department of Transportation (DOT).

(Sec. 1002) Prescribes obligation ceilings for certain federal-aid highway and highway safety construction programs, with specified exceptions.

Prescribes requirements, including a formula, and restrictions for certain FY2016-FY2021 distributions from the obligation limitation for federal-aid highways. Requires DOT to redistribute to the states any federal-aid highway program funds that, because of any obligation limitation imposed, will not be allocated or otherwise made available to them for obligation for surface transportation program projects.

(Sec. 1003) Authorizes appropriations for Federal Highway Administration (FHWA) administrative expenses.

(Sec. 1004) Revises formulae for the allocation of surface transportation program (STP) funds to states in urbanized areas with populations of over 200,000 and other areas of 5,000 or more.

Requires states to obligate a specified portion of their STP apportionments for projects for the replacement or rehabilitation of off-National Highway System (NHS) bridges.

(Sec. 1005) Revises requirements for metropolitan transportation planning.

Prescribes requirements for selection of metropolitan planning organization (MPO) officials or representatives.

Treats the Lake Tahoe Region as:

- an MPO,
- a transportation management area, and
- an urbanized area (comprised of a population of 145,000 in California and a population of 65,000 in Nevada).

Prescribes formulae for the suballocation of STP and transportation alternatives program funds for a fiscal year for those areas.

(Sec. 1006) Revises requirements for statewide and nonmetropolitan transportation planning.

(Sec. 1007) Reduces the amount of FHWA administrative funds DOT must deduct each fiscal year for highway use tax evasion projects.

(Sec. 1008) Prescribes requirements for the bundling of two or more similar projects for the replacement or repair of structurally deficient bridges.

(Sec. 1009) Authorizes DOT, upon state request, to exercise all existing flexibilities and exceptions to federal-aid highway requirements for certain rural road and rural bridge projects.

(Sec. 1010) Revises formulae for certain allocations of funds to states for construction of ferry boats and ferry terminal facilities.

Authorizes appropriations for FY2016-FY2021.

Makes certain funds available for the National Ferry Database.

(Sec. 1011) Revises the highway safety improvement program. Makes eligible as highway safety improvement projects any installation of vehicle-to-infrastructure communication equipment, pedestrian hybrid beacons, roadway improvements that provide separation between pedestrians and motor vehicles, and other types of infrastructure safety projects.

(Sec. 1012) Authorizes a state to elect not to collect fundamental data elements for the model inventory of roadway elements on public roads that are gravel roads or otherwise unpaved if certain circumstances prevail.

(Sec. 1013) Revises congestion mitigation and air quality improvement (CMAQ) program requirements. Requires states and MPOs to use PM2.5 priority funding on the most cost-effective CMAQ projects and programs proven to reduce directly emitted fine particulate matter.

Authorizes a state or MPO also to elect to obligate PM2.5 priority funds to the most cost-effective CMAQ projects to reduce emissions from port-related landside nonroad or on-road equipment that operates within a PM2.5 nonattainment or maintenance area.

(Sec. 1014) Revises national freight network requirements.

Directs DOT to establish a national freight program to improve the efficient movement of freight on the national highway freight network, consisting of the primary highway freight system, critical rural and urban freight corridors, and portions of the Interstate System (IS).

Requires states to obligate the state apportionment of metropolitan planning funds for projects to improve the movement

of freight on the network.

Prohibits a state from obligating such funds unless it has:

- established a freight advisory committee, and
- developed a ten-year freight plan.

Requires states not meeting or making significant progress toward meeting certain performance targets related to freight movement to submit biennially a freight performance improvement plan.

Directs the FHWA to determine the need for establishing operating standards for intelligent freight transportation systems.

(Sec. 1015) Requires the FHWA to establish a competitive grant program for major surface transportation infrastructure projects.

(Sec.1016) Revises and makes permanent the reservation of \$850 million of program funds for transportation enhancements apportioned to a state for each fiscal year for surface transportation alternatives, recreational trails program, and safe routes to school program projects.

Directs DOT to develop regulations and guidance that encourages the use of programmatic approaches to environmental reviews, expedited procurement techniques, and other best practices for small, low-impact infrastructure projects.

(Sec. 1017) Amends the Moving Ahead for Progress in the 21st Century Act (MAP-21) to extend through FY2021 the availability of a specified amount of FHWA administrative funds for:

- certain safety-related activities, and
- operation of certain safety-related clearinghouses.

(Sec. 1018) Directs DOT to issue guidance on working with state departments of transportation that request assistance from FHWA division offices to:

- review principal arterials within a state that were added to the NHS as of October 1, 2012, and
- identify any necessary functional classification changes to rural and urban principal arterials.

Directs DOT to:

- review the NHS modification process, and
- ensure that a state may submit requests to modify the NHS by withdrawing a road from it.

(Sec. 1019) Revises the toll roads, bridges, tunnels, and ferries program.

Requires private motorcoaches that serve the public to have access to toll facilities equal to that of public transportation buses.

(Sec. 1020) Revises certain exceptions to high occupancy vehicle (HOV) facility requirements.

Authorizes a state agency that levies a toll on vehicles for use of HOV facilities to:

- designate classes of vehicles exempt from the toll, and

charge different toll rates for different classes of vehicles.

Permits state agencies to allow alternative fuel vehicles and new qualified plug-in electric drive motor vehicles to use HOV facilities provided certain requirements are met.

Adds a requirement that a state agency submit to DOT for approval a plan to bring a degraded facility back into compliance with the minimum average operating speed within 180 days after a HOV facility is considered degraded. ("Degraded" means failure of vehicles operating on HOV lanes to maintain minimum average operating speed 90% of the time over a consecutive 180-day period during morning and/or evening weekday peak hour periods.)

(Sec. 1021) Amends the Transportation Equity Act for the 21st Century to revise Interstate System (IS) reconstruction and rehabilitation pilot program eligibility requirements.

Limits to maintenance of toll facilities the use, during the pilot program, of a state's apportionment of national highway performance program funds.

(Sec. 1022) Revises the emergency relief fund program.

Treats as an eligible expense for emergency relief program funding the costs of disaster debris removal for projects for the repair or reconstruction of federal-aid highways on tribal transportation facilities, federal lands transportation facilities, or other federally-owned roads that are open to public travel.

(Sec. 1023) Prescribes requirements for DOT to close or restrict loads on bridges owned by federal agencies or tribal governments.

(Sec. 1024) Directs DOT to designate national electric vehicle charging and natural gas fueling corridors that identify the need for electric vehicle infrastructure and natural gas fueling infrastructure at strategic locations along major national highways.

(Sec. 1026) Revises funding requirements for the tribal transportation program to:

- reduce from 6% to 5% of authorized program funds the maximum amount that either DOT or the Department of the Interior may use for certain administrative expenses, and
- increase from 2% to 3% of such funds the allocation for specified bridge projects.

(Sec. 1027) Directs DOT to establish a nationally significant federal lands and tribal projects program to fund construction, reconstruction, or rehabilitation of nationally significant federal lands and tribal transportation projects.

Authorizes appropriations for FY2016-FY2021.

(Sec. 1028) Revises requirements for federal lands and tribal transportation programs.

Authorizes DOT to conduct cooperative research and technology deployment in coordination with federal land management agencies for transportation planning of federal lands and tribal transportation facilities projects.

Requires DOT to combine and use no more than 5% of federal lands transportation program and federal lands access program funds for transportation planning activities for federal lands transportation facilities, federal lands access transportation facilities, and other federally-owned roads open to public travel.

Authorizes use of such funds also for:

- inspections on federally-owned bridges even if not included in the national federal lands transportation facility inventory, and
- transportation planning activities carried out by federal land management agencies.

#### Subtitle B--Acceleration of Project Delivery

(Sec. 1101) Amends MAP-21 to require specified inflationary adjustments to certain dollar amount limitations in federal-aid highway projects of limited federal assistance categorical excluded from the requirements relating to environmental assessments or environmental impact statements.

(A "categorical exclusion" under the National Environmental Policy Act of 1969 [NEPA] is a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a federal agency in implementing environmental regulations and for which, therefore, neither an Environmental Assessment nor an Environmental Impact Statement is required.)

(Sec. 1102) Directs DOT to develop a template programmatic agreement with states that provides for efficient procedures for evaluating categorical exclusion determinations that normally do not require any further NEPA approvals by the FHWA.

(Sec. 1103) Grants DOT, as federal lead agency in the environmental review process for a highway project, public transportation capital project, or multimodal project, authority and responsibility to consider and respond to comments received from participating federal and non-federal agencies on matters within the special expertise or jurisdiction of those agencies.

(Sec. 1104) Prescribes procedures for accelerating the project delivery decisionmaking process with respect to:

- environmental review of highway, public transportation, or multimodal projects;
- coordination among relevant agencies in meeting project deadlines;
- public availability of the status of reviews, approvals, and permits for projects;
- integration of planning and environmental review of projects between the lead agency (DOT) and participating federal and non-federal agencies; and
- adoption of departmental environmental assessments or impact statements or other NEPA documents.

(Sec. 1111) Requires DOT, upon state request, to provide technical assistance to a state assuming responsibility for making categorical exclusion determinations for highway or related projects.

(Sec. 1112) Revises requirements for termination of a state from the surface transportation project delivery program.

(Sec. 1113) Revises requirements for application of categorical exclusions for multimodal projects.

(Sec. 1114) Directs DOT to examine ways to modernize and improve the NEPA environmental review process for federal-aid highway projects.

(Sec. 1115) Authorizes states to allow the erection of service club, charitable association, or religious service signs of a certain size on the Interstate System (IS), provided the state notifies the FHWA.

(Sec. 1116) Prescribes requirements for DOT to preserve certain historic sites, especially by aligning, to the maximum

extent practicable, specified preservation requirements with NEPA and any avoidance alternative analysis it requires.

(Sec. 1117) Exempts from consideration for parkland, wildlife and waterfowl refuge, and historic site preservation purposes any common post-1945 concrete or steel bridge or culvert already exempt from individual review of its effect on any historic property.

(Sec. 1118) Authorizes the take of nesting swallows, between April 1 and August 31 of any year, without individual permit requirements to facilitate bridge construction or repair projects, provided the Department of the Interior promulgates a regulation under the Migratory Bird Treaty Act to allow it.

(Sec. 1119) Authorizes a recipient or subrecipient of federal-aid highway funds to: (1) incur preliminary preconstruction development and engineering costs for an eligible project before receiving project authorization from the state, and (2) request reimbursement of federal funds after the project authorization is received.

#### Subtitle C--Miscellaneous

(Sec. 1201) Permits an increase in the federal share of costs for federal-aid highway projects of up to 5% of what a state has contributed in qualified revenues for such project costs, if the state has contributed at least 5% of total project costs.

Defines "qualified revenues" to mean any amounts:

- collected by a state for the registration of a passenger vehicle operating solely on fuels not subject to federal tax; and
- that do not exceed, for such a vehicle, an annual amount paid for federal motor fuels taxes on fuel used by an average car fueled solely by gasoline.

Requires a DOT report to Congress on the most efficient and equitable means of taxing motor vehicle fuels not subject to a federal tax.

(Sec. 1203) Exempts from federal vehicle weight limitations on the IS, by an amount determined according to a specified formula, the operation of natural gas vehicles (maximum gross vehicle weight of 82,000 pounds) and emergency vehicles (maximum gross vehicle weight of 86,000 pounds).

Permits the continued operation on any IS-designated segment of U.S. Route 63 between the exits for highways 14 and 75 in Arkansas of any trucks that could operate legally on the segment at the posted speed limit before that designation. Permits the continued operation during daylight hours of any truck that can only travel on the segment below the posted speed limit if it that could operate legally on the segment before IS designation.

(Sec. 1204) Amends the Intermodal Surface Transportation Efficiency Act of 1991 to revise the high priority Raleigh-Norfolk Corridor of the NHS between Raleigh, North Carolina, and Norfolk, Virginia, to include Rocky Mount, Williamston, and Elizabeth City, North Carolina.

Designates as a high priority corridor on the NHS, as part of Interstate Route I-11, the Intermountain West Corridor from the vicinity of Las Vegas, Nevada, extending north along U.S. Route 95, terminating at Interstate Route 80.

Declares as high priority corridors on the NHS as well as segments of the IS: (1) U.S. Route 117/Interstate Route 795 from U.S. Route 70 in Goldsboro, Wayne County, North Carolina, to Interstate Route 40 west of Faison, Sampson County, North Carolina; and (2) U.S. Route 70 from its intersection with Interstate Route 40 in Garner, Wake County,

North Carolina, to the Port at Morehead City, Carteret County, North Carolina.

(Sec. 1205) Declares that "state repeat intoxicated driver law," with respect to federal requirements for minimum state penalties for repeat offenders for driving while intoxicated or driving under the influence, means any combination of state laws.

(Sec. 1206) Makes eligible for funding under the National Highway Performance Program and the Surface Transportation Program any projects for the installation of vehicle-to-infrastructure communication equipment.

(Sec. 1207) Authorizes a state to use any earmarked amount and any associated obligation limitation for any surface transportation program or territorial and Puerto Rico highway program project.

Defines "earmarked amount" to mean congressionally directed spending or a congressional earmark in a prior law, report, or joint explanatory statement that was authorized to be appropriated or appropriated more than 10 fiscal years before the fiscal year in which this Act becomes effective.

(Sec. 1208) Allows a state transportation agency to relinquish park-and-ride lot facilities, or portions of them, to a local government agency for highway purposes if authorized to do so under state law.

(Sec. 1209) Directs DOT to:

- establish a nationwide toll credit monitoring and tracking system, and
- a toll credit marketplace pilot program in which eligible states may use proceeds from the transfer or sale of credits to fund the nonfederal share of surface transportation projects.

(Sec. 1210) Directs DOT to establish a regional infrastructure demonstration program to assist entities in developing improved infrastructure priorities and financing strategies for accelerated development of projects funded under the Transportation Infrastructure Finance and Innovation Act program.

Authorizes appropriations.

## TITLE II--TRANSPORTATION INNOVATION

### Subtitle A--Research

(Sec. 2001) Revises requirements for the highway and bridge infrastructure research and development program and the Technology and Innovation Deployment Program.

Directs DOT to use at least 50% of program funds to make competitive innovative grants to, and enter into cooperative agreements and contracts with, states, other federal agencies, local governments, MPOs, institutions of higher education, private sector, and nonprofit organizations to carry out demonstration programs to accelerate the deployment and adoption of transportation research activities.

(Sec. 2002) Directs DOT to establish a competitive grant program to accelerate the deployment of the Intelligent Transportation System (ITS) program and ITS-enabled operational strategies to enhance mobility of people and goods on the surface transportation system.

(Sec. 2003) Directs DOT to enter into an agreement with the Transportation Research Board of the National Academies to study actions needed to upgrade and restore the Dwight D. Eisenhower National System of Interstate and Defense

Highways to its role as a premier system network that meets the growing and shifting demands of the 21st century and for the next 50 years.

(Sec. 2004) Directs DOT to:

- promote the research of user-based alternative revenue mechanisms that preserve a user fee structure to maintain the long-term solvency of the HTF, and
- establish a Surface Transportation Revenue Alternatives Advisory Council.

Authorizes DOT to provide grants to states or other appropriate entities to conduct such research.

Subtitle B--Data

(Sec. 2101) Requires any entity carrying out a project under the tribal transportation program to report annually to DOT and to Interior specified project data.

(Sec. 2102) Directs the FHWA to develop data sets and analysis tools to assist MPOs, states, and the FHWA in carrying out performance management analyses of federal-aid highways.

Subtitle C--Transparency and Best Practices

(Sec. 2201) Directs the FHWA to continue the Every Day Counts initiative to work with states, local transportation agencies, and industry stakeholders to identify and deploy proven innovative best practices and products that accelerate transportation innovation deployment and project delivery as well as improve the environment and roadway safety.

(Sec. 2202) Directs DOT, in coordination with the heads of federal agencies responsible for the review and approval of federal-aid highway projects, to measure and report on progress toward aligning federal reviews of such projects and improvement of project delivery.

(Sec. 2203) Directs DOT establish a competitive grant program to reward states, local governments, tribal organizations, and MPOs for implementation of policies and procedures that support performance-based management or use innovative technologies and best practices that improve the performance of the surface transportation system.

Authorizes appropriations for FY2016-FY2021.

(Sec. 2204) Directs DOT to compile and make available on the DOT public website any data on the amounts of federal-aid highway program funds made available under this Act for each fiscal year.

(Sec. 2205) Directs the Government Accountability Office (GAO) to make updated reports to Congress every five years on FHWA administrative expenses funded from the HTF during the three most recent fiscal years.

(Sec. 2206) Directs DOT to make every required report available on its public website.

(Sec. 2208) Requires the design for new construction or rehabilitation of NHS highways to take into account, in addition to other specified criteria, the environment and safety for other modes of transportation.

## TITLE III--TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS

(Sec. 3001) Amends the Transportation Infrastructure Finance and Innovation Act (TIFIA) of 1998 to authorize as an eligible project cost the capitalizing of a rural projects fund using proceeds of secured loans made to state infrastructure

banks to make loans for rural infrastructure projects.

Revises TIFIA program eligibility requirements, adding projects for public infrastructure near a fixed guideway transit facility, acquisition of plant and wildlife habitat, and capitalization of a rural projects fund by a state infrastructure bank.

Requires the reservation of \$2 million of TIFIA program funds for highway infrastructure projects not exceeding \$75 million.

Revises and makes permanent the state infrastructure bank program.

## TITLE IV--TECHNICAL CORRECTIONS

(Sec. 4001) Makes various technical corrections to federal transportation laws.

## TITLE V--MISCELLANEOUS

(Sec. 5001) Amends MAP-21 to require that the federal share, through FY2050, of the cost of constructing highways and access roads on the Appalachian development highway system may be lower than 100% (under current law shall be 100%).

(Sec. 5002) Revises and reauthorizes through FY2021 the Appalachian Regional Development Program.

Authorizes the Appalachian Regional Commission to provide technical assistance, make grants, and enter into contracts in the Appalachian region for projects to increase affordable access to broadband networks throughout the Appalachian region and for related projects and activities.

(Sec. 5003) Amends the Water Infrastructure Finance and Innovation Act to repeal the prohibition against the direct or indirect financing of water resources infrastructure projects receiving federal credit assistance with proceeds of any:

- obligation the interest on which is tax exempt, or
- with respect to which credit is allowable under a qualified tax credit bond or a Build America Bond.

(Sec. 5004) Authorizes as an eligible project cost for the construction of a federal-aid highway the enhancement of habitat and forage for pollinators (i.e., bees, birds, bats, Monarch and other butterflies) on rights-of-way adjacent to such highways.

Directs DOT, in conjunction with willing states, to carry out programs that encourage:

- integrated vegetation management practices on roadsides and other transportation rights-of-way, including reduced mowing; and
- the development of habitat and forage for pollinators through planting of native forbs and grasses, including noninvasive, native milkweed species.

Authorizes federal funds for the provision of habitat, forage, and migratory way stations for Monarch butterflies, other native pollinators, and honey bees that is related to a federally-funded highway project.

(Sec. 5005) Directs the FHWA to commission the Transportation Research Board of the National Academy of Sciences to study the performance of bridges receiving funding under the innovative bridge research and construction program in meeting that program's goals.

## TITLE VI--EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS

(Sec. 6001) Amends the Highway and Transportation Funding Act of 2014 to continue from July 31, 2015, through FY2015, and authorizes appropriations through that period for, specified federal-aid highway programs under:

- the Moving Ahead for Progress in the 21st Century Act (MAP-21),
- the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Technical Corrections Act of 2008,
- SAFETEA-LU,
- the Transportation Equity Act for the 21st Century (TEA-21),
- the National Highway System Designation Act of 1995,
- the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), and
- other specified law.

Subjects funding for such programs generally to the same manner of distribution, administration, limitation, and availability for obligation, but at a specified pro rata of the total amount, as funds authorized for appropriation out of the Highway Trust Fund (HTF) for such programs and activities for FY2014.

Amends the Moving Ahead for Progress in the 21st Century Act (MAP-21) to authorize appropriations out of the general fund of the Treasury for the Tribal High Priority Projects program for the same period.

Prescribes an obligation ceiling of \$40,256,000,000 for federal-aid highway and highway safety construction programs for the same period.

(Sec. 6002) Authorizes appropriations from the HTF (other than the Mass Transit Account) for administrative expenses of the federal-aid highway program for the same period.

### **Actions Timeline**

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- **Jul 15, 2015:** Committee on Environment and Public Works. Reported by Senator Inhofe with amendments. With written report No. 114-80.
- **Jul 15, 2015:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 150.
- **Jun 24, 2015:** Committee on Environment and Public Works. Ordered to be reported with amendments favorably.
- **Jun 23, 2015:** Introduced in Senate
- **Jun 23, 2015:** Read twice and referred to the Committee on Environment and Public Works.