



COMMITTEE ON

# TRANSPORTATION & INFRASTRUCTURE

SAM GRAVES, REPUBLICAN LEADER

## STARTER Act 2.0

### *The Surface Transportation Advanced through Reform, Technology & Efficient Review (STARTER) Act*

#### Section-by-Section Summary

##### Division A – Surface

###### **Section 1001 – Authorizations**

- Reauthorizes *FAST Act* programs.
- Provides \$400 billion in funding (a 32% increase above *FAST Act* funding levels) and provides that any increases in contract authority above *FAST Act* funding levels go to the National Highway Performance Program, the Surface Transportation Block Grant Program, the Highway Safety Improvement Program, the National Highway Freight Program, and the Rural Area Formula Grant Program under Section 5311 of Title 49.
- Extends the Disadvantaged Business Enterprise (DBE) program.

###### **Section 1002 – Effective Date**

- Creates an effective date of October 1, 2021.

###### **Section 1005 - Tax-Exempt Financing for Qualified Surface Transportation Facilities**

- Increases the Private Activity Bonds cap from \$15 billion to \$45 billion.

##### Title I – Federal-Aid Highways

###### **Section 1101 - Nationally Significant Freight and Highway Projects**

- Reauthorizes the discretionary grant program that promotes nationally and regionally significant infrastructure projects that improve the efficiency of freight movement (INFRA). This popular program leverages investments by state, local, and private partners to execute especially large and complex projects.

###### **Section 1102 – BUILD Grant Program**

- Makes permanent the Better Utilizing Investments to Leverage Development (BUILD) Grant program, which funds multi-modal projects that encourage the economic viability of the Nation, a metropolitan area, or a region, and authorizes \$1 billion per year for FY22-FY26. The BUILD grant program is currently unauthorized but receives appropriated funds yearly, which can create uncertainty for applicants and limits the ability to streamline improvements for applicant and review efficiency.

###### **Section 1103 – National Highway Freight Program**

- Reauthorizes the National Highway Freight Program to increase investment in infrastructure improvements that strengthen economic competitiveness, increase freight efficiency, reduce congestion, improve reliability, and increase productivity.

#### **Section 1104 - Truck Parking Safety Improvement**

- Creates a new set-aside within the National Highway Freight Program to provide resources to states to construct and improve parking options for commercial motor vehicles so that truck drivers can safely comply with Hours-of-Service regulations.

#### **Section 1105 – Temporary Federal Share for Federal-Aid Highway Projects**

- Gives the Secretary of Transportation authority to increase the federal cost-share of projects under title 23, United States Code, to 100 percent for federal-aid highway projects for FY22-23.

#### **Section 1106 – Consolidated Funding Program**

- Establishes a pilot program that allows a limited number of states the option to treat all federal funds they receive under the Federal-Aid Highway Program as having been apportioned in a lump sum. In addition, States that receive funding through this pilot program would still need to meet Federal performance standards and would need to meet set-asides for geographic areas.

#### **Section 1107 – Bridge Rebuilding Program**

- Provides funding via a competitive grant program to focus on large bridges with an emphasis on improving condition and reliability of bridges.
- Provides a short-term infusion of funding to address prior underinvestment and help bring the Nation's off-system bridges into a state of good repair.

#### **Section 1108 – Bridge Bundling**

- Eliminates the requirement that funding for a bridge bundling project have the same financial characteristics. This change will provide States increased flexibility in bundling bridge projects.
- Supports innovative project delivery mechanisms to maximize the use and benefit of infrastructure investments.

#### **Section 1109 – Off-System Bridge Set Aside**

- Improves bridge safety by restoring States' ability to use off-system bridge set-aside funds for a wider range of bridge-related activities (bridge inspection, evaluation, and inventory, and for the replacement of low water crossings).

#### **Section 1110 – ROUTES and NETT Council**

- Codifies the establishment of the Rural Opportunities to Use Transportation for Economic Success (ROUTES) Council and requires the Council to submit an annual report to Congress on the safety, condition, and usage of rural transportation facilities.
- Establishes a new Office of Rural Investment to provide support to the Council and its activities, and to generally support coordinating and addressing rural transportation issues across the Department.
- Codifies the establishment of the Nontraditional and Emerging Transportation Technology (NETT) Council and specifies membership.

- The NETT Council will identify and resolve jurisdictional and regulatory gaps associated with non-traditional and emerging transportation projects pending before the Department of Transportation (DOT), including with respect to safety oversight, environmental review, and funding issues.

#### **Section 1201 – Environmental Reviews for Major Projects / One Federal Decision**

- Sets a government-wide goal of limiting the time required for environmental reviews and authorization for major infrastructure projects to two years from the publication of a notice of intent to prepare an environmental impact statement (EIS), to issuance of a record of decision (ROD) under the National Environmental Policy Act (NEPA).
- Requires federal agencies to develop a single permitting timetable for environmental review and authorization decision.

#### **Section 1202 – Efficient Environmental Reviews for Project Decision-making**

- Sets page limits of 150 pages for an EIS, and 75 pages for an environmental assessment (EA).
- Permits a project sponsor to assist agencies in conducting environmental reviews to help speed up the process and to resolve issues without taking control or authority away from the lead agency.
- When determining whether the effects of a Federal action are significant, agencies must only consider the reasonably foreseeable effects with a reasonably close causal relationship to the action being considered and may not consider the cumulative effects of the action in conjunction with other actions.

#### **Section 1203 – Application of Categorical Exclusions for Transportation Projects**

- Authorizes any federal agency to apply a categorical exclusion (CE) that has been established by any other federal agency to accelerate project delivery.

#### **Section 1204 – Air Quality and Conformity**

- Directs the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to update their joint environmental and planning regulations, and directs the Environmental Protection Agency (EPA) to make changes to regulations to provide flexibility for state departments of transportation to complete the NEPA process with approval conditioned on an air quality conformity and fiscal constraint determination before construction begins.

#### **Section 1205 – Agreements Relating to Use of and Access to Rights-of-Way-Interstate System**

- Streamlines the right-of-way acquisition process by allowing state procurement procedures to be used on federal-aid projects, allowing protective purchases with preliminary engineering funding, and allowing states the option to use the “short form” for appraisals.
- Enables states to voluntarily assume some or all the Federal Highway Administration’s responsibilities for approval of right-of-way acquisitions.

#### **Section 1206 – Permits for Dredged or Fill Material**

- Expands exemptions from Clean Water Act (CWA) Section 404 permitting for routine maintenance projects, such as roadside ditches, with minor impacts and streamlines the use of Nationwide Permits for projects that remain subject to Section 404.

### **Section 1207 – Pilot Program on Use of Innovative Practices for Environmental Reviews**

- Establishes a pilot program to allow DOT modal administrations and federal environmental agencies to waive or modify their own requirements to develop innovative practices to streamline project delivery and achieve positive environmental outcomes.
- The pilot program includes safeguards, such as including interagency consultation and public notice and involvement, to ensure adherence to federal environmental laws, regulations, and policies.

### **Section 1208 – Major Projects Threshold**

- Eliminates unnecessary Federal oversight of smaller, more routine projects that are effectively managed by State DOTs, thereby reducing administrative burdens that waste resources and unnecessarily delay delivery of infrastructure projects.
- Raises the cost threshold for major projects from \$500,000,000 to \$1,000,000,000.

### **Section 1209 – Adding Previously Approved Projects to the Transportation Improvement Program**

- Accelerates authorization of projects by eliminating duplicative public review of a project that has already been reviewed by the public and included in the immediately prior transportation improvement program (TIP) and/or statewide transportation improvement program (STIP).

## **Title II – Innovative Project Finance**

### **Section 2001 – Transportation Infrastructure Finance and Innovation Act of 1998 Temporary Loan Relief Due to COVID-19**

- Provides the Secretary of Transportation authority to provide a TIFIA loan rate-reset for borrowers impacted by COVID-19.
- This authority expires on September 30, 2022.

## **Title III – Public Transportation**

### **Section 3001 – Short Title**

- Titles the bill, the “Federal Public Transportation Act of 2020.”

### **Section 3002 – Urbanized Area Formula Grants**

- Reduces burdens on high performing transit agencies by implementing a risk-based approach to transit agency triennial reviews.
- Requires public transportation authorities that are proposing service reductions to consider proposals from a private contractor to continue the service with no negative impacts to employees’ salaries or benefits.

### **Section 3003 – Fixed Guideway Capital Investment Grants**

- Increases the maximum federal and total estimated net capital costs for Small Start projects by \$100 million.
- Establishes the Rural Starts program to assist to small projects in non-urban areas.

### **Section 3004 – Enhanced Mobility of Seniors and Individuals with Disabilities**

- Establishes a “sliding scale” matching requirement that increases the federal matching requirement in states with large amounts of public land, for projects that provide or improve mobility for seniors and individuals with disabilities.
- Provides states and local governments greater flexibility by eliminating the requirement that dictates a minimum spending level on certain activities and allows funds to be reallocated to non-urban areas at the recipient’s discretion.
- Streamlines regulations by allowing projects in rural areas to comply with requirements and policies for formula grants for rural areas, rather than complying with requirements and policies for projects in urban areas.

### **Section 3005 – Formula Grants for Rural Areas**

- Provides greater flexibility and supports greater mobility in rural areas by increasing the federal share of project costs for projects located in qualified opportunity zones, in medically underserved areas, or areas with medically underserved populations.

### **Section 3006 - Non-Emergency Medical Transportation**

- Specifies that projects that provide access to hospitals and healthcare providers in areas of limited public transportation options are eligible under the research program.
- Creates a new program to improve access to healthcare facilities for medically underserved areas or populations with limited transportation options.

### **Section 3007 – Technical Assistance and Workforce Development**

- Codifies that the Secretary can enter into contracts and cooperative agreements that provide innovation and capacity building technical assistance to rural and tribal public transportation recipients.

### **Section 3008 – General Provisions**

- Increases mobility by expanding the types of entities that have reasonable access to federally funded public transportation facilities to any private or charter operator.
- Requires federally funded public transportation facility operators to consider the benefits to the existing public transportation system and respond to requests for access within 90 days.
- Increases flexibility and reduces regulatory burdens by allowing the Secretary to provide regulatory waivers, deferrals, or establish a simplified compliance process for very small transit agencies or transit agencies that receive funds under two programs, without compromising safety to lives or people. It requires the Secretary to submit an annual report detailing requests for waivers, deferrals, or simplified compliance; and actions taken during the prior year.
- Establishes a new financial threshold and simplifies the process for the sale of transit vehicles at the end of their service life.

### **Section 3009 – Apportionments**

- Increases set asides from the urbanized area formula grants program for small, transit-intensive

communities.

### **Section 3010 – Grants for Bus and Bus Facilities**

- Replaces the bus and bus facilities set-aside to states and territories from a dollar amount to a percentage of the total amount provided for the grants for bus and bus facilities program, resulting in an increased amount available for states and territories.
- Increases the set-aside for competitive grants for bus and bus facility projects in rural areas and establishes a rural set-aside for the low or no emission grants program (Low No Program), and allows Low No Program projects in rural areas to include passenger vehicle equipped with any technology that reduces energy consumption or harmful emissions, including compressed natural gas and liquefied natural gas.

### **Section 3011 – Elimination of Apportionments Based on High Density State Factors**

- Eliminates the program that apportions funding based on high density state formula factors, which results in a program that provides funds to only 7 states.

### **Section 3012 – Innovative Mobility and Technology Deployment Grants.**

- Establishes the innovative mobility and technology deployment transportation grant program to assist states, local governments, or publicly owned operators of public transportation in financing public transportation projects that integrate mobility services or technologies in public transportation, advance services that connect riders to public transportation, provide accessibility in rural areas, or enhance mobility in innovative ways.
- Requires that 20 percent of the funds be used for rural deployments and limits the amount of funds that can be awarded to a single entity to 20 percent.

### **Section 3013 – Expedited Project Delivery for Capital Investment Grants**

- Allows public transportation authorities that receive expedited project delivery grants to employ private entities to operate the transit system.

## **Title IV – Highway Traffic Safety**

### **Section 4001 – Funding and Grant Requirements**

- Requires the National Highway Traffic Safety Administration (NHTSA) to establish a single grant application deadline and requires states to submit an application for these funds and carryout grants consistent with regulations issued by the Secretary.
- Makes contract authority from the Highway Trust Fund (HTF) available for programs authorized under chapter 4 of title 23, U.S.C. (Highway Safety), and chapter 303 of title 49, U.S.C. (Public Lands and Historic Sites); and continues to allow states to aggregate spending on highway safety activities to meet the federal share of any other project carried out under this chapter.
- Prohibits states from using funds for construction purposes.

### **Section 4002 – Highway Safety Research and Development**

- Authorizes the Secretary to undertake a targeted 2-year Drug Impaired Driving Prevention Pilot Program to study the effects of a public awareness campaign that raises awareness of the risks of

driving while under the influence of prescription and over-the-counter medications.

- Authorizes NHTSA to continue to work with industry and academia to complete its study on ignition interlock technologies that help determine whether a driver exceeds alcohol impairment standards.
- Requires the Secretary to continue its study on marijuana and marijuana impaired driving and requires the Comptroller General to complete a study on illegal passing of school buses.
- Requires NHTSA to conduct public media programs to educate the public and reduce instances of illegal passing of school buses and heatstroke-related death of children in unattended vehicles.

#### **Section 4003. National Priority Safety Programs**

- Makes a technical correction to update the name of the Act from the *FAST Act* to the *STARTER Act*.

#### **Section 4004– National Priority Safety Program Grant Eligibility**

- Makes technical changes to the provision that requires NHTSA to release information on which states were awarded funds under the National Priority Safety Program, which states were determined to be ineligible, and why the states were ineligible.

### **Title V – Motor Carrier Safety**

#### **Section 5001 – Funding and Grant Requirements**

- Provides financial assistance to States to reduce the number and severity of crashes involving commercial motor vehicles.
- Improves the program by focusing on performance standards, accountability, efficiency, and effectiveness.

#### **Section 5002 – Compliance, Safety, and Accountability Reform**

- Creates a National Hiring Standard to clarify and standardize industry best practices for hiring safe carriers. This will ensure that shippers, brokers, and intermediaries have reliable and accurate information on which to base hiring decisions.
- Creates a pilot program to increase the volume and reliability of safety data included in the CSA system through a proactive, regularly scheduled audit system.

#### **Section 5003 – Entry-Level Driver Training Regulations**

- Ensures that the Federal Motor Carrier safety Administration (FMCSA) stays on track to fully implement the Entry Level Driver Training rule by February 7, 2022.
- Requires FMCSA to also implement the Training Prover Registry and provide regular updates to Congress on implementation.

#### **Section 5004 – Trucking Industry Workforce Development**

- Establishes a rigorous apprenticeship program to train commercial driver's license (CDL) drivers between the ages of 18-20 years and allowing them to drive in interstate commerce.

#### **Section 5005 –Hours of Service Requirements for Agricultural Operations**

- Expands flexibility for haulers of agricultural goods and livestock under the Hours-of-Service



regulations. This will ensure that ag haulers can safely and efficiently carry essential food and agricultural goods while also improving the living conditions for livestock.

## **Title VI – Innovation**

### **Section 6001 – Advanced Transportation Technologies Program**

- Reauthorizes the Advanced Transportation and Congestion Management Technology Deployment (ATCMTD) Program.
- Expands eligibility under the ATCMTD program to include vehicle-to-pedestrian technologies and cybersecurity protection measures and includes a 20 percent set-aside for rural deployments.

### **Section 6002 – Connected Vehicle Deployment Pilot Program**

- Establishes a new competitive grant program to spur innovation of connected vehicle applications into practical and effective operational deployments.
- Seeks to realize mobility and safety benefits of connected vehicle applications to support improved surface transportation system performance.

### **Section 6003 – Automated Driving System Demonstration Program**

- Establishes a new competitive grant program to test the safe integration of automated driving system (ADS) technologies into the surface transportation system and to demonstrate how challenges to the safe integration of ADS technologies can be addressed.
- Seeks to test applications of greater automation technologies that support economic vitality at the national and regional levels, while also providing benefits to rural communities and transportation-challenged populations.

### **Section 6004 – Accelerated Implementation and Deployment of Advanced Digital Construction Management Systems**

- Establishes a new program under the Technology and Innovation Deployment Program to deploy advanced digital construction management systems and accelerate State adoption of these systems throughout the design, engineering, construction, and operations of surface transportation projects.

### **Section 6005 – Innovative Project Delivery Methods**

- Adds “advanced digital construction management systems” to the types of innovative project delivery methods that qualify a project to receive an increase Federal share.
- Increases the amount of Federal-Aid Highway funds that States may use to qualify for an increased Federal share as a result of using innovative project delivery methods.

### **Section 6006 – Surface Transportation System Funding Alternatives**

- Encourages more states and groups of states to participate in the program while building on the successful state pilots to-date.
- Expands the focus on data collection and analysis to deliver actionable recommendations to begin implementing a national VMT program.



### **Section 6007 – Surface Transportation System Road Usage Charge National Pilot**

- Creates a national pilot program established by DOT, in consultation with the Department of the Treasury (Treasury) to test vehicle miles travelled (VMT) reporting systems and revenue collection mechanisms.
- Establishes a national advisory board to coordinate broader testing and the study of a per-mile road usage charge.
- Sets a date of October 1, 2026, for the DOT Secretary to establish a national implementation pilot program for government-owned vehicles.

## **Title VII – Resilience**

### **Section 7001 – Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation Grant Program.**

- Establishes the Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) grant program that provides funding for highway projects that will reduce the cost and risk related to natural disasters.

### **Section 7002 – National Highway Performance Program**

- Modified the purpose of the National Highway Performance Program (NHPP) to incorporate measures related to resiliency to the impacts of natural disasters. In addition to resiliency projects currently eligible on the National Highway System, the bill allows States to use up to 15 percent of their NHPP funds for protective features to improve resiliency of a Federal-aid highway or bridge off the National Highway System.

### **Section 7003 – Resiliency in Federal-Aid Highways Program**

- Clarifies the explicit eligibility of resilience projects, including through the use of natural infrastructure, under a number of Federal-aid highway programs, including the NHPP, the Surface Transportation Block Grant Program, the Federal Lands Transportation Program, the Federal Lands Access Program, and the Tribal Transportation Program.

### **Section 7004 – Resiliency in Transit**

- Establishes that funding provided under the FTA's Emergency Relief Program for mitigation activities supports projects that are cost beneficial and will reduce actual risk.

### **Section 7005 – Highway Emergency Relief and Resiliency**

- Clarifies the eligibility under the FHWA's Emergency Relief Program for projects related to wildfires and sea level rise.
- Establishes that funding provided under the FHWA's Emergency Relief Program may support mitigation projects that are demonstrated to mitigate against and reduce the risk of recurring damage from extreme weather events, flooding and other disasters.
- Directs the Secretary to revise the emergency relief manual of the FHWA to address resiliency and to develop best practices and ensure consultation with the Federal Emergency Management Agency.

### **Section 7006 – Highway Resiliency Incentives**

- Authorizes an increase in the federal cost share in highway funding for activities that are designed and demonstrate reduction in cost and risk associated with extreme weather events, flooding, or other natural disasters.

### **Section 7007 – Guidance on Inundated and Submerged Roads**

- Requires the FHWA Administrator upon issuance of guidance by the Federal Emergency Management Agency (FEMA), to review such guidance and issue guidance related to inundated and submerged roads damaged or destroyed by a major disaster with respect to roads eligible for assistance under FHWA programs.

### **Section 7008 – Guidance on Evacuation Routes**

- Requires the FHWA Administrator, in coordination with FEMA, to issue guidance related to evacuation routes and, should the Administrator determine existing guidance meets the requirements of the section, submit a report detailing how existing guidance addresses such considerations.
- Requires the FHWA Administrator, in coordination with FEMA, to study the adequacy of available evacuation routes.

### **Section 7009 – Definitions**

- Adds a definition of “resilience” with respect to projects under Title 23.

### **Section 7010 – University Transportation Centers**

- Adds to the existing University Transportation Centers (UTC) research program a focus on mitigation and resiliency.

### **Section 7011 – Pre-Disaster Hazard Mitigation Pilot Program**

- Establishes a 5-year pre-disaster mitigation pilot program under FHWA by providing additional funding to support projects that are cost effective and which substantially reduce the risk of or increase the resilience to future damage as a result of natural disasters.

## **Title VIII – Other Provisions**

### **Section 8001 – Requirements for railroad freight cars entering service in the United States**

- Prohibits the operation of railroad freight cars in the United States that have been manufactured or assembled by a Chinese State-Owned Entity.
- Prohibits sensitive technology located on a railroad freight car operating in the United State from originating from a Chinese State-Owned Entity.