

H. R. 3684 - “Infrastructure Investment and Jobs Act”

Sec. 11509. RECONNECTING COMMUNITIES PILOT PROGRAM.

(a) DEFINITION OF ELIGIBLE FACILITY.—

(1) IN GENERAL.—In this section, the term “eligible facility” means a highway or other transportation facility that creates a barrier to community connectivity, including barriers to mobility, access, or economic development, due to high speeds, grade separations, or other design factors.

(2) INCLUSIONS.—In this section, the term “eligible facility” may include—

(A) a limited access highway;

(B) a viaduct; and

(C) any other principal arterial facility.

(b) ESTABLISHMENT.—The Secretary shall establish a pilot program through which an eligible entity may apply for funding, in order to restore community connectivity—

(1) to study the feasibility and impacts of removing, retrofitting, or mitigating an existing eligible facility;

(2) to conduct planning activities necessary to design a project to remove, retrofit, or mitigate an existing eligible facility; and

(3) to conduct construction activities necessary to carry out a project to remove, retrofit, or mitigate an existing eligible facility.

(c) PLANNING GRANTS.—

(1) ELIGIBLE ENTITIES.—The Secretary may award a grant (referred to in this section as a “planning grant”) to carry out planning activities described in paragraph (2) to—

(A) a State;

(B) a unit of local government;

(C) a Tribal government;

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(D) a metropolitan planning organization; and

(E) a nonprofit organization.

(2) ELIGIBLE ACTIVITIES DESCRIBED.—The planning activities referred to in paragraph (1) are—

(A) planning studies to evaluate the feasibility of removing, retrofitting, or mitigating an existing eligible facility to restore community connectivity, including evaluations of—

(i) current traffic patterns on the eligible facility proposed for removal, retrofit, or mitigation and the surrounding street network;

(ii) the capacity of existing transportation networks

to maintain mobility needs;

(iii) an analysis of alternative roadway designs or other uses for the right-of-way of the eligible facility, including an analysis of whether the available right-of-way would suffice to create an alternative roadway design;

(iv) the effect of the removal, retrofit, or mitigation of the eligible facility on the mobility of freight and people;

(v) the effect of the removal, retrofit, or mitigation of the eligible facility on the safety of the traveling public;

(vi) the cost to remove, retrofit, or mitigate the eligible facility—

(I) to restore community connectivity; and

(II) to convert the eligible facility to a different roadway design or use, compared to any expected costs for necessary maintenance or reconstruction of the eligible facility;

(vii) the anticipated economic impact of removing, retrofitting, or mitigating and converting the eligible facility and any economic development opportunities that would be created by removing, retrofitting, or mitigating and converting the eligible facility; and

(viii) the environmental impacts of retaining or reconstructing the eligible facility and the anticipated effect of the proposed alternative use or roadway design;

(B) public engagement activities to provide opportunities for public input into a plan to remove and convert an eligible facility; and

(C) other transportation planning activities required in advance of a project to remove, retrofit, or mitigate an existing eligible facility to restore community connectivity, as determined by the Secretary.

(3) TECHNICAL ASSISTANCE PROGRAM.—

(A) IN GENERAL.—The Secretary may provide technical assistance described in subparagraph (B) to an eligible entity.

(B) TECHNICAL ASSISTANCE DESCRIBED.—The technical assistance referred to in subparagraph (A) is technical assistance in building organizational or community capacity—

(i) to engage in transportation planning; and

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(ii) to identify innovative solutions to infrastructure

challenges, including reconnecting communities that—

(I) are bifurcated by eligible facilities; or
(II) lack safe, reliable, and affordable transportation choices.

(C) PRIORITIES.—In selecting recipients of technical assistance under subparagraph (A), the Secretary shall give priority to an application from a community that is economically disadvantaged.

(4) SELECTION.—The Secretary shall—

(A) solicit applications for—

(i) planning grants; and
(ii) technical assistance under paragraph (3); and

(B) evaluate applications for a planning grant on the basis of the demonstration by the applicant that—

(i) the eligible facility is aged and is likely to need replacement or significant reconstruction within the 20-year period beginning on the date of the submission of the application;

(ii) the eligible facility—

(I) creates barriers to mobility, access, or economic development; or

(II) is not justified by current and forecast future travel demand; and

(iii) on the basis of preliminary investigations into the feasibility of removing, retrofitting, or mitigating the eligible facility to restore community connectivity, further investigation is necessary and likely to be productive.

(5) AWARD AMOUNTS.—A planning grant may not exceed \$2,000,000 per recipient.

(6) FEDERAL SHARE.—The total Federal share of the cost of a planning activity for which a planning grant is used shall not exceed 80 percent.

(d) CAPITAL CONSTRUCTION GRANTS.—

(1) ELIGIBLE ENTITIES.—The Secretary may award a grant (referred to in this section as a “capital construction grant”) to the owner of an eligible facility to carry out an eligible project described in paragraph (3) for which all necessary feasibility studies and other planning activities have been completed.

(2) PARTNERSHIPS.—An owner of an eligible facility may, for the purposes of submitting an application for a capital construction grant, if applicable, partner with—

(A) a State;

(B) a unit of local government;

(C) a Tribal government;

- (D) a metropolitan planning organization; or
- (E) a nonprofit organization.

(3) ELIGIBLE PROJECTS.— A project eligible to be carried out with a capital construction grant includes—

- (A) the removal, retrofit, or mitigation of an eligible facility; and
- (B) the replacement of an eligible facility with a new facility that—
 - (i) restores community connectivity; and
 - (ii) is—

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- (I) sensitive to the context of the surrounding community; and
- (II) otherwise eligible for funding under title 23, United States Code.

(4) SELECTION.— The Secretary shall—

- (A) solicit applications for capital construction grants; and
- (B) evaluate applications on the basis of—
 - (i) the degree to which the project will improve mobility and access through the removal of barriers;
 - (ii) the appropriateness of removing, retrofitting, or mitigating the eligible facility, based on current traffic patterns and the ability of the replacement facility and the regional transportation network to absorb transportation demand and provide safe mobility and access;
 - (iii) the impact of the project on freight movement;
 - (iv) the results of a cost-benefit analysis of the project;
 - (v) the opportunities for inclusive economic development;
 - (vi) the degree to which the eligible facility is out of context with the current or planned land use;
 - (vii) the results of any feasibility study completed for the project; and
 - (viii) the plan of the applicant for—
 - (I) employing residents in the area impacted by the project through targeted hiring programs, in partnership with registered apprenticeship programs, if applicable; and
 - (II) contracting and subcontracting with disadvantaged business enterprises.

(5) MINIMUM AWARD AMOUNTS.— A capital construction grant shall be in an amount not less than \$5,000,000 per recipient.

(6) FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), a capital construction grant may not exceed 50 percent of the total cost of the project for which the grant is awarded.

(B) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a capital construction grant may be used to satisfy the non-Federal share of the cost of a project for which the grant is awarded, except that the total Federal assistance provided for a project for which the grant is awarded may not exceed 80 percent of the total cost of the project.

(7) COMMUNITY ADVISORY BOARD.—

(A) IN GENERAL.—To help achieve inclusive economic development benefits with respect to the project for which a grant is awarded, a grant recipient may form a community advisory board, which shall—

- (i) facilitate community engagement with respect to the project; and
- (ii) track progress with respect to commitments of the grant recipient to inclusive employment, contracting, and economic development under the project.

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(B) MEMBERSHIP.—If a grant recipient forms a community advisory board under subparagraph (A), the community advisory board shall be composed of representatives of—

- (i) the community;
- (ii) owners of businesses that serve the community;
- (iii) labor organizations that represent workers that serve the community; and
- (iv) State and local government.

(e) REPORTS.—

(1) USDOT REPORT ON PROGRAM.—Not later than January 1, 2026, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates the program under this section, including—

(A) information about the level of applicant interest in planning grants, technical assistance under subsection (c)(3), and capital construction grants, including the extent to which overall demand exceeded available funds; and

(B) for recipients of capital construction grants, the outcomes and impacts of the highway removal project, including—

- (i) any changes in the overall level of mobility,

congestion, access, and safety in the project area; and
(ii) environmental impacts and economic development opportunities in the project area.

(2) GAO REPORT ON HIGHWAY REMOVALS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall issue a report that—

(A) identifies examples of projects to remove highways using Federal highway funds;

(B) evaluates the effect of highway removal projects on the surrounding area, including impacts to the local economy, congestion effects, safety outcomes, and impacts on the movement of freight and people;

(C) evaluates the existing Federal-aid program eligibility under title 23, United States Code, for highway removal projects;

(D) analyzes the costs and benefits of and barriers to removing underutilized highways that are nearing the end of their useful life compared to replacing or reconstructing the highway; and

(E) provides recommendations for integrating those assessments into transportation planning and decisionmaking processes.

(f) TECHNICAL ASSISTANCE.—Of the funds made available to carry out this section for planning grants, the Secretary may use not more than \$15,000,000 during the period of fiscal years 2022 through 2026 to provide technical assistance under subsection (c)(3).

(g) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under chapter 1 of title 23, United States Code.

FUNDING:

\$500,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be to carry out the Reconnecting Communities Pilot Program (referred to under this paragraph in this Act as the “pilot program”) under section 11509 of division A of this Act, of which \$100,000,000 shall be for planning grants under section 11509(c) of division A of this Act and of which \$400,000,000 shall be available for capital construction grants under section 11509(d)