

AMENDMENT TO RULES
COMMITTEE PRINT 117-8
OFFERED BY MR. JOHNSON OF GEORGIA

Page 782, after line 6, insert the following:

1 **SEC. 2206. HIGH QUALITY TRANSIT OPERATING SUPPORT**
2 **PROGRAM.**

3 (a) IN GENERAL.—Chapter 53 of title 49, United
4 States Code, is further amended by adding at the end the
5 following:

6 **“§ 5341. High quality transit operating support pro-**
7 **gram**

8 “(a) IN GENERAL.—The Secretary of Transportation
9 shall establish a program under which the Secretary may
10 make grants to eligible recipients for eligible operating
11 support costs of public transportation and associated cap-
12 ital improvements.

13 “(b) ALLOCATION OF FUNDING.—The Secretary
14 shall allocate funding as follows:

15 “(1) 75 percent through the formula under sec-
16 tion 5336.

17 “(2) 23.75 percent through the formula under
18 section 5311(c)(3).

1 “(3) 1.25 percent to Indian Tribes through the
2 formula under section 5311(j).

3 “(c) ELIGIBLE PROJECTS.—

4 “(1) IN GENERAL.—Eligible recipients may use
5 funding provided under this section for eligible oper-
6 ating support costs of public transportation and as-
7 sociated capital improvements that make substantial
8 improvements to transit service as measured by a
9 comparison to the number of revenue hours of serv-
10 ice provided by the recipient during the covered pe-
11 riod, including—

12 “(A) operating projects that decrease
13 headways;

14 “(B) operating projects that expand service
15 area, hours, or days;

16 “(C) operating projects for new or in-
17 creased frequent non-fixed guideway service or
18 frequent fixed guideway service;

19 “(D) service planning, including planning
20 to address changing demographics, changing
21 travel movement, network redesign (including
22 the implementation of a plan that results in a
23 net increase in service hours across a region,
24 subregion, or study area), and accommodating
25 essential service trips (including service trips

1 for employment, healthcare facilities, child care,
2 education and workforce training, food sources,
3 banking and other financial institutions, and
4 other retail shopping establishments);

5 “(E) measuring access to work and essen-
6 tial services, particularly for non-drivers, includ-
7 ing data acquisition and acquiring outside sup-
8 port for conducting the analysis; and

9 “(F) associated capital improvements re-
10 lated to projects described in subparagraphs
11 (A) through (E).

12 “(2) COVERED YEAR FOR REVENUE HOURS.—

13 “(A) COVERED PERIOD DEFINED.—In this
14 subsection, the term ‘covered period’ means—

15 “(i) for the period beginning on the
16 date of enactment of this section and end-
17 ing on the last day of the fiscal year 3 fis-
18 cal years thereafter, fiscal year 2019; and

19 “(ii) for the period beginning on the
20 first day of the fourth fiscal year after the
21 date of enactment of this section and con-
22 tinuing through the last day of the fol-
23 lowing fiscal year, the fiscal year preceding
24 the fourth fiscal year.

1 “(B) EXCEPTION FOR EMERGENCY.—In
2 any fiscal year, the Secretary may change the
3 comparison year under paragraph (1) in the
4 case of an emergency.

5 “(3) PRIORITIZATION.—Recipients of a grant
6 under this section shall balance needs to decrease
7 headways on low-frequency routes with needs for in-
8 creased capacity on high-frequency routes when allo-
9 cating operating costs and public transportation
10 projects described in subparagraphs (A) through (C)
11 of paragraph (1).

12 “(4) WAIVER.—The Secretary may waive the
13 requirements of paragraph (3) if an eligible recipient
14 certifies that all of the service provided by such re-
15 cipient meets the baseline frequency and access
16 measurement for access to jobs and essential serv-
17 ices (as determined under subsection (k)) that is sat-
18 isfactory to the Secretary.

19 “(d) LIMITATION.—

20 “(1) IN GENERAL.—A recipient of a grant
21 under this section may not use more than 10 per-
22 cent of such grant for projects described in subpara-
23 graphs (D) through (F) of subsection (c)(1).

24 “(2) INCREASE OF LIMITATION.—The Secretary
25 may increase the limitation in paragraph (1) to not

1 more than 20 percent if a recipient can demonstrate
2 that such an increase will result in substantial serv-
3 ice improvements in a given fiscal year.

4 “(e) REQUIREMENT.—A preponderance of a grant re-
5 ceived by a recipient under this section in a fiscal year
6 shall be used for projects that primarily serve underserved
7 communities or areas of persistent poverty.

8 “(f) FEDERAL SHARE.—

9 “(1) IN GENERAL.—The Federal share of a
10 project or program carried out using a grant award-
11 ed under this section shall be not greater than 50
12 percent.

13 “(2) INCREASED FEDERAL SHARE FOR CERTAIN
14 AREAS.—Notwithstanding paragraph (1), the Fed-
15 eral share of a project or program carried out in an
16 area of persistent poverty or an underserved commu-
17 nity using a grant awarded under this section shall
18 be not greater than 80 percent.

19 “(3) FEDERAL SHARE FOR INDIAN TRIBES.—
20 Notwithstanding paragraph (1), for Indian Tribes
21 receiving funding allocated under subsection (b)(3),
22 the Federal share of a project or program carried
23 out using a grant awarded under this section shall
24 be 100 percent.

1 “(4) IN KIND MATCH.—Of the non-Federal
2 share required under this subsection, 25 percent
3 may be derived from amounts (other than amounts
4 received from the Federal Transit Administration)
5 expended for associated capital improvements related
6 to a project or program carried out using a grant
7 awarded under this section.

8 “(g) PERIOD OF AVAILABILITY.—An amount appor-
9 tioned under this section may be obligated by the recipient
10 for 2 years after the fiscal year in which the amount is
11 apportioned. Not later than 30 days after the end of the
12 2-year period, an amount that is not obligated at the end
13 of that period shall be added to the amount that may be
14 apportioned under this section in the following fiscal year.

15 “(h) CONDITIONS.—As a condition of receiving a
16 grant under this section, an eligible recipient shall—

17 “(1) in the case of a recipient in an urbanized
18 area—

19 “(A) agree to report to the Federal Transit
20 Administration, for inclusion in the National
21 Transit Database—

22 “(i) service frequency and revenue ve-
23 hicle hours, including revenue vehicle hours
24 and unlinked passenger trips originating
25 and terminating in areas of persistent pov-

1 erty and underserved communities, to-
2 gether with such other specific data as the
3 Secretary shall find necessary and appro-
4 priate; and

5 “(ii) the number of jobs and essential
6 services accessible by transit, and improve-
7 ment in such access, including specific re-
8 porting on access by transit for areas of
9 persistent poverty and underserved com-
10 munities; and

11 “(B) demonstrate that such recipient has
12 surveyed, within the past year and at least
13 every 2 years thereafter, current transit riders
14 as well as non-riding residents of areas of per-
15 sistent poverty and underserved communities
16 regarding transit service improvements, using
17 means designed to maximize participation from
18 both riders and non-riders, and has published
19 the survey in an online format;

20 “(2) in the case of a recipient that is a federally
21 recognized tribe or Alaska Native village—

22 “(A) agree to report to the Federal Transit
23 Administration, for inclusion in the National
24 Transit Database, revenue vehicle hours and
25 unlinked passenger trips, together with such

1 other specific data as the Secretary shall find
2 necessary and appropriate; and

3 “(B) demonstrate that such recipient has
4 surveyed, within the past year and at least
5 every 2 years thereafter, current transit riders
6 as well as non-riding residents of the tribe’s or
7 village’s service area regarding transit service
8 improvements, using means designed to maxi-
9 mize participation from both riders and non-rid-
10 ers, and has published the survey in an online
11 format; and

12 “(3) in the case of a recipient that is a State
13 or other possession receiving assistance under sec-
14 tion 5311—

15 “(A) agree to report to the Federal Transit
16 Administration, for inclusion in the National
17 Transit Database, revenue vehicle hours for
18 each subrecipient receiving assistance under
19 this section, including revenue vehicle hours and
20 unlinked passenger trips originating and termi-
21 nating in areas of persistent poverty and under-
22 served communities, together with such other
23 specific data as the Secretary shall find nec-
24 essary and appropriate;

1 “(B) provide an annually updated report to
2 the Secretary identifying those underserved
3 communities and areas of persistent poverty in
4 the non-urbanized areas of the State or posses-
5 sion that do not have any reported public tran-
6 sit services, or in which either the availability or
7 utilization of rural public transit is in the bot-
8 tom quintile as compared to all rural public
9 transit services in the United States, using such
10 measurements as shall be identified by the Sec-
11 retary, together with annually updated progress
12 toward achieving the State’s or possession’s
13 strategy for establishing high-quality transit
14 service in these unserved and underserved com-
15 munities and areas of persistent poverty; and

16 “(C) demonstrate that every subrecipient
17 of the State or possession has surveyed, within
18 the past year and at least every 2 years there-
19 after, current transit riders as well as non-
20 riding residents of areas of persistent poverty
21 and underserved communities within the sub-
22 recipient’s service area regarding transit service
23 improvements, using means designed to maxi-
24 mize participation from both riders and non-rid-

1 ers, and has published the survey in an online
2 format.

3 “(i) REGULATIONS.—Not later than 1 year after the
4 date of enactment of this Act, the Secretary shall issue
5 such regulations as are necessary to carry out the program
6 established under subsection (a), including defining the
7 terms ‘frequent service’, ‘preponderance of a grant’, ‘pri-
8 marily serve’, and ‘access to jobs and essential service’ for
9 purposes of this Act, including by taking into account any
10 necessary difference in the definition of such terms re-
11 quired for urbanized areas, rural areas located near ur-
12 banized areas, and remote rural areas.

13 “(j) PROHIBITION ON PRIVATIZATION.—Any eligible
14 project carried out using a grant under this section shall
15 be operated and maintained by employees of an existing
16 public transportation provider in the service area.

17 “(k) ACCESS MEASUREMENT.—

18 “(1) IN GENERAL.—In carrying out the pro-
19 gram under this section, the Secretary shall set up
20 a multimodal access measurement interface that is
21 open to any public agency through the program
22 under section 5505 of title 49, United States Code,
23 to aid transit agencies in determining and reporting
24 on access to jobs and essential services.

1 “(2) INTERIM DATA.—Until the access meas-
2 urement interface under paragraph (1) is estab-
3 lished, an eligible recipient may use other data
4 sources to determine and report on access to jobs
5 and essential services.

6 “(1) GAO REPORT.—Not later than 4 years after the
7 date of enactment of this Act, the Comptroller General
8 of the United States shall submit to the Committee on
9 Transportation and Infrastructure of the House of Rep-
10 resentatives and the Committee on Banking, Housing, and
11 Urban Affairs of the Senate a report that reviews the out-
12 comes of the program established under subsection (a), in-
13 cluding new service produced and improvements in access
14 to work and essential services, particularly for areas of
15 persistent poverty and underserved communities.

16 “(m) PREVAILING WAGE.—The Secretary shall en-
17 sure that any labor associated with eligible operating costs
18 or a public transportation project carried out using a
19 grant made under this section will be paid wages not less
20 than those prevailing on similar projects in the locality,
21 as determined by the Secretary of Labor under subchapter
22 IV of chapter 31 of title 40. The Secretary shall make
23 a grant under this section only after being assured that
24 required labor standards will be maintained.

25 “(n) MAINTENANCE OF EFFORT.—

1 “(1) IN GENERAL.—Not later than 30 days
2 after the beginning of each fiscal year, recipients of
3 funds under this section shall certify to the Sec-
4 retary that such recipients will, with funding pledged
5 by all sources, maintain effort with regard to transit
6 service. As part of this certification, the transit
7 agency shall submit to the Secretary a statement
8 identifying the amount of funds from all sources
9 (other than funds provided under this section and
10 related non-Federal match) expended on transit op-
11 erations during the prior fiscal year, and the amount
12 expected to be expended on transit operations from
13 all sources during the current fiscal year.

14 “(2) FAILURE TO MAINTAIN EFFORT.—If a re-
15 cipient of funds under this section is unable to main-
16 tain the level of effort certified pursuant to para-
17 graph (1) for any fiscal year, the amount such re-
18 cipient would have received under this section in the
19 following fiscal year shall be reduced by one-third.

20 “(o) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to prevent an eligible recipient
22 from increasing service through the use of any other Fed-
23 eral or non-Federal funds.

24 “(p) AUTHORIZATION OF APPROPRIATIONS.—There
25 is authorized to be appropriated from the general fund of

1 the Treasury \$20,000,000,000 for each of fiscal years
2 2023 through 2026 to carry out this section.

3 “(q) DEFINITIONS.—In this section:

4 “(1) AREAS OF PERSISTENT POVERTY.—The
5 term ‘area of persistent poverty’ means—

6 “(A) a county that has consistently had
7 greater than or equal to 20 percent of the pop-
8 ulation of such county living in poverty during
9 the most recent 30-year period for which data
10 is available, as measured by the 1990 and 2000
11 decennial censuses; or

12 “(B) a census tract with a poverty rate of
13 at least 20 percent as measured by the 2014
14 through 2018 5-year data series available from
15 the American Community Survey of the Bureau
16 of the Census.

17 “(2) ASSOCIATED CAPITAL IMPROVEMENTS.—
18 The term ‘associated capital improvements’ means
19 capital projects described in subparagraphs (B)
20 through (G) of section 5302(a)(1) of title 49, United
21 States Code.

22 “(3) ELIGIBLE RECIPIENT.—The term ‘eligible
23 recipient’ means a recipient or subrecipient of funds
24 under section 5307 or 5311 of title 49, United
25 States Code.

1 “(4) UNDERSERVED COMMUNITY.—The term
2 ‘underserved community’ means—

3 “(A) a census tract or block numbering
4 area in which the median income does not ex-
5 ceed 80 percent of the area median income;

6 “(B) families with income not greater than
7 100 percent of the area median income that re-
8 side in minority census tracts;

9 “(C) families with income not greater than
10 100 percent of the area median income that re-
11 side in areas affected by disasters, as deter-
12 mined by the Administrator of the Federal
13 Transit Administration;

14 “(D) a census tract that has a minority
15 population of at least 30 percent or a median
16 income of less than 100 percent of the area me-
17 dian income;

18 “(E) a community that has low access to
19 jobs and essential services, as determined by
20 the Secretary; or

21 “(F) a census block or group of geographi-
22 cally contiguous census blocks in which the pop-
23 ulation of any racial or ethnic minority individ-
24 uals, individually or in combination, comprises
25 30 percent or more of the population of persons

1 in the census block or group of geographically
2 contiguous census blocks.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 53 of title 49, United States Code, is further amended
5 by adding at the end the following new item:

“5341. High quality transit operating support program.”.

6 (c) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that capital funding for transit should be increased.

