

## 117TH CONGRESS 1ST SESSION

# H. R. 2859

To establish the Restoring Neighborhoods and Strengthening Communities Program, and for other purposes.

### IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2021

Ms. Williams of Georgia introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

### A BILL

To establish the Restoring Neighborhoods and Strengthening Communities 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 "Restoring Neighbor-
- 5 hoods and Strengthening Communities Act".
- 6 SEC. 2. RESTORING NEIGHBORHOODS AND STRENGTH-
- 7 ENING COMMUNITIES PROGRAM.
- 8 (a) DEFINITIONS.—In this section:

1	(1) Capital construction grant.—The term
2	"capital construction grant" means a capital con-
3	struction grant under subsection (e).
4	(2) Community engagement, education,
5	AND CAPACITY BUILDING GRANT.—The term "com-
6	munity engagement, education, and capacity build-
7	ing grant" means a community engagement, edu-
8	cation, and capacity building grant under subsection
9	(e).
10	(3) COMMUNITY LAND TRUST.—The term
11	"community land trust" means a nonprofit organiza-
12	tion established or with the responsibility, as appli-
13	cable—
14	(A) to develop the real estate created by
15	the removal or capping of an infrastructural
16	barrier; and
17	(B) to carry out anti-displacement or com-
18	munity development strategies, including—
19	(i) affordable housing preservation
20	and development;
21	(ii) homeownership and property im-
22	provement programs;
23	(iii) the development or rehabilitation
24	of park space or recreation facilities; and

1	(iv) community revitalization and eco-
2	nomic development projects.
3	(4) Environmental justice community.—
4	The term "environmental justice community" means
5	a community with significant representation of com-
6	munities of color, low-income communities, or Tribal
7	and indigenous populations that experiences, or is at
8	risk of experiencing, higher or more adverse human
9	health or environmental effects, as compared to
10	other communities.
11	(5) Infrastructural Barrier.—The term
12	"infrastructural barrier" means a highway (includ-
13	ing a limited access highway), a railway, a viaduct,
14	a principal arterial facility, or any other transpor-
15	tation facility for which the high speeds, grade sepa-
16	ration, or other design factors contribute to negative
17	health impacts on adjacent communities or create an
18	obstacle to connectivity, including—
19	(A) obstacles to walking, biking, and mo-
20	bility;
21	(B) diminished access to destinations
22	across the infrastructural barrier; or
23	(C) barriers to the economic development
24	of the surrounding neighborhood.

1	(6) Planning and feasibility study
2	GRANT.—The term "planning and feasibility study
3	grant" means a planning and feasibility study grant
4	under subsection (e).
5	(7) Program.—The term "program" means
6	the program established under subsection (b).
7	(8) Secretary.—The term "Secretary" means
8	the Secretary of Transportation.
9	(9) Tribal Government.—The term "Tribal
10	government" means the recognized governing body
11	of any Indian or Alaska Native tribe, band, nation,
12	pueblo, village, community, component band, or com-
13	ponent reservation, individually identified (including
14	parenthetically) in the list published most recently as
15	of the date of enactment of this Act pursuant to sec-
16	tion 104 of the Federally Recognized Indian Tribe
17	List Act of 1994 (25 U.S.C. 5131).
18	(b) Establishment.—
19	(1) IN GENERAL.—The Secretary shall establish
20	a program to help communities—
21	(A) identify infrastructural barriers within
22	the community that—
23	(i) create obstacles to mobility or eco-
24	nomic development; or

1	(ii) expose the community to high lev-
2	els of particulate matter, noise pollution,
3	and other public health and safety risks;
4	(B) study the feasibility of improving, and
5	develop plans to improve, community
6	connectivity, including through—
7	(i) removal or retrofit of an
8	infrastructural barrier; or
9	(ii) construction or adaptive reuse of
10	facilities to mitigate the obstacle created
11	by the infrastructural barrier by enhancing
12	connectivity across the infrastructural bar-
13	rier;
14	(C) plan the redevelopment of any land
15	made available by the removal or retrofit of the
16	infrastructural barrier, with a focus on improve-
17	ments that will benefit the populations im-
18	pacted by or previously displaced by the
19	infrastructural barrier;
20	(D) access funding to carry out the activi-
21	ties described in subparagraphs (B) and (C);
22	and
23	(E) require the equity of any activities car-
24	ried out under the program, including by gar-
25	nering community engagement, avoiding dis-

1	placement, and ensuring local participation in
2	jobs created through those activities.
3	(2) Types of grants.—Under the program,
4	the Secretary shall award the following types of
5	grants:
6	(A) Community engagement, education,
7	and capacity building grants.
8	(B) Planning and feasibility study grants.
9	(C) Capital construction grants.
10	(3) Multiple grants permitted.—An eligi-
11	ble entity may apply for and receive funding from
12	more than 1 type of grant described in paragraph
13	(2).
14	(e) Community Engagement, Education, and
15	Capacity Building Grants.—
16	(1) Eligible entities.—The Secretary may
17	award a community engagement, education, and ca-
18	pacity building grant to carry out community en-
19	gagement, education, and capacity building activities
20	described in paragraph (2) to—
21	(A) a unit of local government, a metro-
22	politan planning organization, or a group of
23	local governments;
24	(B) a Tribal government or a consortium
25	of Tribal governments;

1	(C) a political subdivision of a State or
2	local government;
3	(D) a special purpose district or a public
4	authority with a transportation function; and
5	(E) a nonprofit organization.
6	(2) Eligible activities.—A community en-
7	gagement and capacity building activity referred to
8	in paragraph (1) includes an activity—
9	(A) to educate community members about
10	opportunities to affect transportation and eco-
11	nomic development planning and investment de-
12	cisions;
13	(B) to build organizational or community
14	capacity to engage in transportation and eco-
15	nomic development planning;
16	(C) to identify community needs and de-
17	sires for community improvements;
18	(D) to develop community-driven solutions
19	to local challenges;
20	(E) to conduct assessments of equity, mo-
21	bility and access, environmental justice, afford-
22	ability, economic opportunity, health outcomes,
23	and other local goals;
24	(F) to form a Community Advisory Board
25	in accordance with subsection (f); and

1	(G) to engage community members in sce-
2	nario planning.
3	(3) Federal share.—The Federal share of
4	the cost of an activity carried out with funds from
5	a community engagement, education, and capacity
6	building grant may be up to 100 percent, at the dis-
7	cretion of the eligible entity.
8	(4) Limitation.—Of the amounts made avail-
9	able to carry out this section each fiscal year, the
10	Secretary may use not more than 20 percent to
11	award community engagement, education, and ca-
12	pacity building grants.
13	(d) Planning and Feasibility Study Grants.—
14	(1) Eligible entities.—
15	(A) IN GENERAL.—The Secretary may
16	award a planning and feasibility study grant to
17	carry out planning activities described in para-
18	graph (2) to—
19	(i) a State or group of States;
20	(ii) a unit of local government, a met-
21	ropolitan planning organization, or a group
22	of local governments;
23	(iii) a Tribal government or a consor-
24	tium of Tribal governments;

1	(iv) a political subdivision of a State
2	or local government;
3	(v) a special purpose district or a pub-
4	lie authority with a transportation func-
5	tion;
6	(vi) a multi-State or multijuris-
7	dictional group of public entities; and
8	(vii) a nonprofit organization.
9	(B) Partnerships.—In the case of an eli-
10	gible entity that is not the owner of the
11	infrastructural barrier that is the subject of the
12	planning and feasibility study grant, the eligible
13	entity shall demonstrate the existence of a part-
14	nership with the owner of the infrastructural
15	barrier.
16	(2) Eligible activities.—A planning activity
17	referred to in paragraph (1)(A) includes—
18	(A) development of designs and artistic
19	renderings to facilitate community engagement;
20	(B) traffic studies, nonmotorized accessi-
21	bility analyses, equity needs analyses, and col-
22	lection of other relevant data;
23	(C) planning studies to evaluate the feasi-
24	bility of removing or retrofitting an
25	infrastructural barrier, or the construction or

1	constructive reuse of facilities to mitigate the
2	obstacle created by the infrastructural barrier
3	by enhancing connectivity across the
4	infrastructural barrier;
5	(D) public engagement activities to provide
6	opportunities for public input into a plan to re-
7	move, convert, or mitigate an infrastructural
8	barrier;
9	(E) environmental review, consultation, or
10	other action required under any Federal envi-
11	ronmental law relating to the review or ap-
12	proval of a project to remove, retrofit, or miti-
13	gate an existing infrastructural barrier;
14	(F) establishment of a community land
15	trust; and
16	(G) other transportation planning activities
17	required in advance of a project to remove, ret-
18	rofit or mitigate an existing infrastructural bar-
19	rier, as determined by the Secretary.
20	(3) Priority.—In selecting eligible entities to
21	receive a planning and feasibility study grant, the
22	Secretary shall give priority to eligible entities that
23	seek to carry out a traffic study that includes con-
24	sideration of—
25	(A) safety;

1	(B) health impacts;
2	(C) levels of single-occupancy vehicular
3	travel;
4	(D) access to jobs and services; and
5	(E) levels of traffic stress.
6	(4) Federal share.—
7	(A) In general.—Subject to subpara-
8	graph (B), the Federal share of the cost of an
9	activity carried out with funds from a planning
10	and feasibility study grant shall be not more
11	than 80 percent.
12	(B) Waiver.—The Secretary may waive
13	the non-Federal share requirement under sub-
14	paragraph (A) if the Secretary determines that
15	the recipient of a grant cannot meet the re-
16	quirement due to financial hardship.
17	(e) Capital Construction Grants.—
18	(1) Eligible entities.—The Secretary may
19	award a capital construction grant to the owner of
20	an infrastructural barrier to carry out a project de-
21	scribed in paragraph (3) for which all necessary fea-
22	sibility studies and other planning activities have
23	been completed.
24	(2) Partnerships.—For the purpose of sub-
25	mitting an application for a capital construction

1	grant, an owner of an infrastructural barrier may, if
2	applicable, partner with—
3	(A) a State or group of States;
4	(B) a unit of local government, a metro-
5	politan planning organization, or a group of
6	local governments;
7	(C) a Tribal government or a consortium
8	of Tribal governments;
9	(D) a political subdivision of a State or
10	local government;
11	(E) a special purpose district or a public
12	authority with a transportation function;
13	(F) a multi-State or multijurisdictional
14	group of public entities; or
15	(G) a nonprofit organization.
16	(3) Eligible projects.—
17	(A) In general.—A project eligible to be
18	carried out with a capital construction grant in-
19	cludes—
20	(i) the removal of an infrastructural
21	barrier;
22	(ii) the retrofit of an infrastructural
23	barrier in a way that enhances community
24	connectivity and is sensitive to the context
25	of the surrounding community, including

1	retrofits to a highway to cap the facility or
2	replace the facility with an at-grade arte-
3	rial roadway;
4	(iii) the construction or adaptive reuse
5	of facilities that improve connectivity
6	across the infrastructural barrier;
7	(iv) the replacement of an
8	infrastructural barrier with a new use or
9	facility that has been identified by mem-
10	bers of the community; and
11	(v) the construction of other transpor-
12	tation improvements that address the mo-
13	bility needs of the community.
14	(B) Exclusion.—Funds from a capital
15	construction grant shall not be used on a
16	project that increases net capacity for vehicular
17	travel.
18	(4) Priority for capital construction
19	GRANTS.—In selecting eligible entities to receive a
20	capital construction grant, the Secretary shall give
21	priority to eligible entities that—
22	(A) provide the majority of project benefits
23	to 1 or more environmental justice commu-
24	nities;

1	(B) have entered into a community bene-
2	fits agreement with representatives of the com-
3	munity;
4	(C) have formed a Community Advisory
5	Board under subsection (f);
6	(D) have demonstrated a plan for improv-
7	ing transit services, mobility for pedestrians
8	and bicyclists, or enhancing safety features for
9	nonmotorists (as that term is used in the Fatal-
10	ity Analysis Reporting System of the National
11	Highway Traffic Safety Administration);
12	(E) have demonstrated a plan for reducing
13	greenhouse gas emissions or improving air qual-
14	ity; or
15	(F) have demonstrated a plan for—
16	(i) employing residents in the area im-
17	pacted by the activity or project through
18	targeted hiring programs; and
19	(ii) contracting and subcontracting
20	with disadvantaged business enterprises.
21	(5) Requirements.—
22	(A) COMMUNITY SUPPORT.—In order to
23	receive a capital construction grant, the owner
24	of the applicable infrastructural barrier shall
25	demonstrate that the project is supported by

the community in the immediate vicinity of the project.

- (B) Anti-displacement policy or community land trust required.—In order to receive a capital construction grant, the owner of the applicable infrastructural barrier shall demonstrate that the project serves a community in which an anti-displacement policy or a community land trust is in effect.
- (C) Buy america.—A capital construction grant may not be used to carry out an eligible project unless the project complies with section 313 of title 23, United States Code.

#### (6) Federal Share.—

- (A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the Federal share of the cost of a project carried out with a capital construction grant may be not more than 80 percent.
- (B) WAIVER.—The Secretary may waive the non-Federal share requirement under subparagraph (A) if the Secretary determines that the recipient of a grant cannot meet the requirement due to financial hardship.

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1	(C) MAXIMUM FEDERAL INVOLVEMENT.—
2	Federal assistance other than a capital con-
3	struction grant may be used to satisfy the non-
4	Federal share of the cost of a project for which
5	the grant is awarded.
6	(f) Community Advisory Board.—
7	(1) In general.—To help achieve inclusive
8	economic development benefits, an eligible entity
9	may form a community advisory board, which
10	shall—
11	(A) facilitate community engagement with
12	respect to the activity or project proposed to be
13	carried out; and
14	(B) track progress with respect to commit-
15	ments of the eligible entity to inclusive employ-
16	ment, contracting, and economic development
17	under the activity or project.
18	(2) Membership.—If an eligible entity forms a
19	community advisory board under paragraph (1), the
20	community advisory board shall be composed of rep-
21	resentatives of—
22	(A) residents in the immediate vicinity of
23	the project;
24	(B) owners of businesses that serve the
25	community:

1	(C) labor organizations that represent
2	workers that serve the community; and
3	(D) State and local government.
4	(3) Collection of Demographic Informa-
5	TION.—
6	(A) Collection.—The Secretary shall
7	provide for the collection of demographic infor-
8	mation of the membership of community advi-
9	sory boards formed under paragraph (1).
10	(B) Access to information.—The Sec-
11	retary shall establish appropriate procedures—
12	(i) to protect the personally identi-
13	fying information submitted under sub-
14	paragraph (A); and
15	(ii) to ensure that any information
16	collected under this paragraph is not in-
17	cluded when an application for a grant
18	under this section is examined.
19	(C) Report to congress.—The Sec-
20	retary shall, on a biennial basis, submit to Con-
21	gress a report that—
22	(i) evaluates the information collected
23	under this paragraph; and
24	(ii) includes recommendations—

1	(I) to improve the diversity of
2	community advisory boards formed
3	under paragraph (1); and
4	(II) to improve data collection
5	under this paragraph.
6	(g) Study on Infrastructural Barriers.—
7	(1) In general.—The Secretary shall conduct
8	a study—
9	(A) to identify communities across the
10	United States that have infrastructural bar-
11	riers; and
12	(B) to measure the environmental, public
13	health, and economic harm done to the commu-
14	nities identified under subparagraph (A) as a
15	result of those infrastructural barriers.
16	(2) Consultation.—In conducting the study
17	under paragraph (1), the Secretary shall consult
18	with—
19	(A) State departments of transportation;
20	(B) units of local government, Tribal gov-
21	ernments, and metropolitan planning organiza-
22	tions that represent jurisdictions impacted by
23	infrastructural barriers; and
24	(C) special purpose districts and public au-
25	thorities with a transportation function.

- 1 (3) Report.—Not later than 2 years after the 2 date of enactment of this Act, the Secretary shall 3 submit to Congress and make publicly available a re-4 port describing the results of the study conducted 5 under paragraph (1).
  - (4) Map.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish an online tool to map infrastructural barriers identified in the study conducted under paragraph (1).

### (h) Davis-Bacon.—

- (1) IN GENERAL.—Notwithstanding any other provision of law, all laborers and mechanics employed by contractors or subcontractors on projects carried out in whole or in part using a grant under the program shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act").
- (2) Authority.—With respect to the labor standards specified in paragraph (1), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950

1	(64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
2	title 40, United States Code.
3	(i) Administrative Costs.—For each fiscal year,
4	the Secretary may use not more than 2 percent of the
5	amounts made available for the program for the costs of
6	administering the program.
7	(j) Report.—Not later than 2 years after the date
8	of enactment of this Act, the Secretary shall submit to
9	the Committee on Environment and Public Works of the
10	Senate and the Committee on Transportation and Infra-
11	structure of the House of Representatives a report that—
12	(1) assesses the impacts and benefits of high-
13	way removals on congestion, mobility, and safety in
14	the project vicinity, and the extent to which those
15	impacts differ from projected impacts;
16	(2) includes recommendations for how traffic
17	forecasting should—
18	(A) consider nonmotorized travel demand
19	and
20	(B) track and be updated in response to
21	observed travel behavior responses to changes in
22	transportation capacity and land use; and
23	(3) includes recommendations for how environ-
24	mental reviews for projects funded under the Fed-
25	eral-aid highway program should consider, identify

- and quantify, during project development, any diminished access, including nonmotorized access, that will result from the project.
  - (k) AUTHORIZATION OF APPROPRIATIONS.—

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- 5 (1) IN GENERAL.—There is authorized to be 6 appropriated to carry out the program 7 \$3,000,000,000 for each of fiscal years 2022 8 through 2026.
  - (2) Environmental justice communities.—
    Of the amounts made available under paragraph (1)
    for each fiscal year, not less than 40 percent shall
    be directed towards environmental justice communities.

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