

117TH CONGRESS
1ST SESSION

S. 684

To direct the Secretary of Transportation to carry out an active transportation investment program to make grants to eligible applicants to build safe and connected options for bicycles and walkers within and between communities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10, 2021

Mr. MARKEY (for himself, Mr. SULLIVAN, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To direct the Secretary of Transportation to carry out an active transportation investment program to make grants to eligible applicants to build safe and connected options for bicycles and walkers within and between communities, 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 “Connecting America’s
5 Active Transportation System Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Nearly half of the trips taken in the United
2 States are within a 20-minute bicycle ride, and near-
3 ly a quarter of such trips are within a 20-minute
4 walk.

5 (2) Approximately 90 percent of public trans-
6 portation trips are accessible by walking or bicycling.

7 (3) Communities that invest in active transpor-
8 tation infrastructure experience significant increases
9 in bicycling and walking rates over time, and such
10 investments are in strong demand because they lead
11 to a higher quality of life, better health, a stronger
12 economy, and increased mobility in communities
13 where investments are made.

14 (4) The communities that perform best in en-
15 couraging active transportation create inter-
16 connected systems that make it convenient and safe
17 to travel on foot or by bicycle to destinations on a
18 routine basis.

19 (5) Achieving a mode shift to active transpor-
20 tation within a community requires intensive, con-
21 centrated funding of active transportation systems
22 rather than discrete, piecemeal projects.

23 (6) Increased use of active transportation re-
24 duces traffic congestion, greenhouse gas emissions,

1 vehicle miles traveled, and rates of obesity and
 2 chronic disease associated with physical inactivity.

3 (7) Given the contribution that active transpor-
 4 tation makes to national policy goals, and the oppor-
 5 tunity active transportation provides to accommo-
 6 date short trips at the least cost to the public and
 7 individuals, funding of active transportation is one
 8 of the most strategic and cost-effective Federal
 9 transportation investments available.

10 (8) The Federal Government is uniquely quali-
 11 fied to facilitate interstate connections necessary to
 12 build long distance active transportation spines and
 13 regional connections in communities that span State
 14 boundaries.

15 **SEC. 3. ACTIVE TRANSPORTATION INFRASTRUCTURE IN-**
 16 **VESTMENT PROGRAM.**

17 (a) IN GENERAL.—Subject to the availability of ap-
 18 propriations, the Secretary shall carry out an active trans-
 19 portation infrastructure investment program to make
 20 grants, on a competitive basis, to eligible organizations to
 21 construct eligible projects to provide safe and connected
 22 active transportation facilities in an active transportation
 23 network or active transportation spine.

24 (b) APPLICATION.—

1 (1) IN GENERAL.—To be eligible to receive a
2 grant under this section, an eligible organization
3 shall submit to the Secretary an application in such
4 manner and containing such information as the Sec-
5 retary may require.

6 (2) ELIGIBLE PROJECTS PARTIALLY ON FED-
7 ERAL LAND.—With respect to an application for an
8 eligible project that is located in part on Federal
9 land, an eligible organization shall enter into a coop-
10 erative agreement with the appropriate Federal
11 agency with jurisdiction over such land to submit an
12 application described in paragraph (1).

13 (c) APPLICATION CONSIDERATIONS.—In making a
14 grant for construction of an active transportation network
15 or active transportation spine under this section, the Sec-
16 retary shall consider the following:

17 (1) Whether the eligible organization submitted
18 a plan for an eligible project for the development of
19 walking and bicycling infrastructure that is likely to
20 provide substantial additional opportunities for walk-
21 ing and bicycling, including effective plans—

22 (A) to create an active transportation net-
23 work connecting destinations within or between
24 communities, including schools, workplaces,
25 residences, businesses, recreation areas, and

1 other community areas, or create an active
2 transportation spine connecting two or more
3 communities, metropolitan regions, or States;
4 and

5 (B) to integrate active transportation fa-
6 cilities with transit services, where available, to
7 improve access to public transportation.

8 (2) Whether the eligible organization dem-
9 onstrates broad community support through—

10 (A) the use of public input in the develop-
11 ment of transportation plans; and

12 (B) the commitment of community leaders
13 to the success and timely implementation of an
14 eligible project.

15 (3) Whether the eligible organization provides
16 evidence of commitment to traffic safety, regula-
17 tions, financial incentives, or community design poli-
18 cies that facilitate significant increases in walking
19 and bicycling.

20 (4) The extent to which the eligible organiza-
21 tion demonstrates commitment of State, local, or eli-
22 gible Federal matching funds, and land or in-kind
23 contributions, in addition to the local match required
24 under subsection (f)(1), unless the applicant quali-
25 fies for an exception under subsection (f)(2).

1 (5) The extent to which the eligible organiza-
 2 tion demonstrates that the grant will address exist-
 3 ing disparities in bicyclist and pedestrian fatality
 4 rates based on race or income level or provide access
 5 to jobs and services for low-income communities and
 6 communities of color.

7 (6) Whether the eligible organization dem-
 8 onstrates how investment in active transportation
 9 will advance safety for pedestrians and cyclists, ac-
 10 cessibility to jobs and key destinations, economic
 11 competitiveness, environmental protection, and qual-
 12 ity of life.

13 (d) USE OF FUNDS.—

14 (1) IN GENERAL.—Of the amounts made avail-
 15 able to carry out this section and subject to para-
 16 graphs (2) and (3), the Secretary shall obligate—

17 (A) not less than 30 percent to eligible
 18 projects that construct active transportation
 19 networks that connect people with public trans-
 20 portation, businesses, workplaces, schools, resi-
 21 dences, recreation areas, and other community
 22 activity centers; and

23 (B) not less than 30 percent to eligible
 24 projects that construct active transportation
 25 spines.

1 (2) PLANNING AND DESIGN GRANTS.—Each fis-
2 cal year, the Secretary shall set aside not less than
3 \$3,000,000 of the funds made available to carry out
4 this section to provide planning grants for eligible
5 organizations to develop plans for active transpor-
6 tation networks and active transportation spines.

7 (3) ADMINISTRATIVE COSTS.—Each fiscal year,
8 the Secretary shall set aside not more than
9 \$2,000,000 of the funds made available to carry out
10 this section to cover the costs of administration, re-
11 search, technical assistance, communications, and
12 training activities under the program.

13 (4) LIMITATION ON STATUTORY CONSTRUC-
14 TION.—Nothing in this subsection prohibits an eligi-
15 ble organization from receiving research or other
16 funds under title 23 or 49, United States Code.

17 (e) GRANT TIMING.—

18 (1) REQUEST FOR APPLICATION.—Not later
19 than 30 days after funds are made available to carry
20 out this section for a fiscal year, the Secretary shall
21 publish in the Federal Register a request for appli-
22 cations for grants under this section for that fiscal
23 year.

24 (2) SELECTION OF GRANT RECIPIENTS.—Not
25 later than 150 days after funds are made available

1 to carry out this section for a fiscal year, the Sec-
2 retary shall select grant recipients of grants under
3 this section for that fiscal year.

4 (f) FEDERAL SHARE.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), the Federal share of the cost of an eligi-
7 ble project carried out using a grant under this sec-
8 tion shall not exceed 80 percent of the total project
9 cost.

10 (2) EXCEPTION FOR DISADVANTAGED COMMU-
11 NITIES.—For eligible projects serving communities
12 with a poverty rate of over 40 percent based on the
13 majority of census tracts served by the eligible
14 project, the Secretary may increase the Federal
15 share of the cost of the eligible project up to 100
16 percent of the total project cost.

17 (g) ASSISTANCE TO INDIAN TRIBES.—In carrying
18 out this section, the Secretary may enter into grant agree-
19 ments, self-determination contracts, and self-governance
20 compacts under the Indian Self-Determination and Edu-
21 cation Assistance Act (25 U.S.C. 5301 et seq.) with Indian
22 tribes that are eligible organizations, and such agree-
23 ments, contracts, and compacts shall be administered in
24 accordance with that Act.

25 (h) REPORTS.—

1 (1) INTERIM REPORT.—Not later than Sep-
2 tember 30, 2024, the Secretary shall submit to Con-
3 gress a report containing the information described
4 in paragraph (3).

5 (2) FINAL REPORT.—Not later than September
6 30, 2026, the Secretary shall submit to Congress a
7 report containing the information described in para-
8 graph (3).

9 (3) REPORT INFORMATION.—A report sub-
10 mitted under this subsection shall contain the fol-
11 lowing, with respect to the period covered by the ap-
12 plicable report:

13 (A) A list of grants made under this sec-
14 tion.

15 (B) Best practices of eligible organizations
16 that receive grants under this section in imple-
17 menting eligible projects.

18 (C) Impediments experienced by eligible
19 organizations that receive grants under this sec-
20 tion in developing and shifting to active trans-
21 portation.

22 (i) RULE REQUIRED.—Not later than 1 year after
23 the date of enactment of this Act, the Secretary shall issue
24 a final rule that encourages the use of the programmatic
25 categorical exclusion, expedited procurement techniques,

1 and other best practices to facilitate productive and timely
 2 expenditures for eligible projects that are small, low-im-
 3 pact, and constructed within an existing built environ-
 4 ment.

5 (j) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There is authorized to be
 7 appropriated to the Secretary to carry out this sec-
 8 tion \$500,000,000 for each of fiscal years 2022
 9 through 2026.

10 (2) AVAILABILITY.—The amounts made avail-
 11 able to carry out this section shall remain available
 12 until expended.

13 (k) DEFINITIONS.—In this Act:

14 (1) ACTIVE TRANSPORTATION.—The term “ac-
 15 tive transportation” means mobility options powered
 16 primarily by human energy, including bicycling and
 17 walking.

18 (2) ACTIVE TRANSPORTATION NETWORK.—The
 19 term “active transportation network” means facili-
 20 ties built for active transportation, including side-
 21 walks, bikeways, and pedestrian and bicycle trails,
 22 that connect between destinations within a commu-
 23 nity or metropolitan region.

24 (3) ACTIVE TRANSPORTATION SPINE.—The
 25 term “active transportation spine” means facilities

1 built for active transportation, including sidewalks,
 2 bikeways, and pedestrian and bicycle trails that con-
 3 nect between communities, metropolitan regions, or
 4 States.

5 (4) COMMUNITY.—The term “community”
 6 means a geographic area that is socioeconomically
 7 interdependent and may include rural, suburban,
 8 and urban jurisdictions.

9 (5) ELIGIBLE ORGANIZATION.—The term “eligi-
 10 ble organization” means—

11 (A) a local or regional governmental orga-
 12 nization, including a metropolitan planning or-
 13 ganization or regional planning organization or
 14 council;

15 (B) a multicounty special district;

16 (C) a State;

17 (D) a multistate group of governments; or

18 (E) an Indian tribe.

19 (6) ELIGIBLE PROJECT.—The term “eligible
 20 project” means an active transportation project or
 21 group of projects—

22 (A) within or between a community or
 23 group of communities, at least one of which
 24 falls within the jurisdiction of an eligible orga-

nization, which has submitted an application under this section; and

(B) that has—

(i) a total cost of not less than \$15,000,000; or

(ii) with respect to planning and design grants, planning and design costs of not less than \$100,000.

(7) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(8) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(9) TOTAL PROJECT COST.—The term “total project cost” means the sum total of all costs incurred in the development of an eligible project that are approved by the Secretary as reasonable and necessary, including—

(A) the cost of acquiring real property;

(B) the cost of site preparation, demolition, and development;

(C) expenses related to the issuance of bonds or notes;

1 (D) fees in connection with the planning,
2 execution, and financing of the eligible project;

3 (E) the cost of studies, surveys, plans, per-
4 mits, insurance, interest, financing, tax, and as-
5 sessments;

6 (F) the cost of construction, rehabilitation,
7 reconstruction, and equipping the eligible
8 project;

9 (G) the cost of land improvements;

10 (H) contractor fees;

11 (I) the cost of training and education re-
12 lated to the safety of users of any bicycle or pe-
13 destrian network or spine constructed as part of
14 an eligible project; and

15 (J) any other cost that the Secretary de-
16 termines is necessary and reasonable.

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