

## House T&I Committee Reconciliation Provisions

On September 15, 2021, the House Transportation and Infrastructure (T&I) Committee approved a \$57 billion spending package, along party-line vote, which will be included in the House's larger \$3.5 trillion omnibus budget reconciliation package (S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022).

Below is a summary of rail provisions included in the House T&I Reconciliation bill.

### PROGRAMS WITH RAIL AND TRANSIT ELIGIBILITIES

#### **Sec. 110001. Affordable Housing Access Program (Transit)**

*NOTE: This is a broad-based transit program linked to housing but can encompass a broad range of transit-related activities.*

- \$9.9B available until Sept 2026
- Competitive Grants to support access to affordable housing and the enhancement of mobility for residents in disadvantaged communities or neighborhood, in persistent poverty communities, or for low-income riders generally (DC/PP/LIR)
- Criteria and Process – Set by Secretary to ensure:
  - Access to affordable housing;
  - Enhanced mobility for residents; or
  - Other community benefits for residents of DC/PP/LIR (as determined by the Administrator) related to enhanced transit service, including
    - Access to jobs and education
    - Better connections to medical care
    - Enhanced access to grocery stores to help eliminate food deserts
- Activities –
  - Construction of new fixed guideway;
  - Bus rapid transit w/ZEV (including acquisition of vehicles and charging infrastructure)
  - High-frequency bus service w/ZEV (but not BRT)
  - Expansion of service area or frequency of service for recipients/subs under 5311 and recipients under 5307 for fare-free or reduced fare service or acquisition of vehicles
  - Renovation or construction of facilities for DC/PP/LIR
  - Research activities for ZEV under 5312
  - Training and development under 5314
  - Additional assistance to project sponsors of new fixed guideway, core capacity, or corridor BRT (focus on DC/PP/LIR) w/some restrictions
  - Fleet transition, route, or other public transportation planning, including planning related to economic development; or
  - Projects to upgrade the accessibility of bus or rail public transportation services for persons with disabilities in DC/PP/LIR
- Recipients – Recipients and subrecipients under chapter 53
- Administration – After allocation, be administered as if they were provided under 5307, 5311, for ZEV 5339(c) or 5312, transit workforce 5314; projects up to 100 percent

## **Sec. 110009. PRIME**

- \$10B under Chapter 261 of title 49 (High Speed Rail Assistance), 90% fed share
  - Set aside - not less than 10% set aside for planning projects for HSR corridor development that consists of planning activities eligible for assistance under 26101(b), including environmental assessments, feasibility studies, economic analyses, impact on rail employment, community economic impacts, coordination with states/ Metropolitan Planning Organization (MPOs), operational planning, route selection, PE and design, identification of improvements including electrification and use of advanced locomotives and rolling stock; financing plans, P3s, acquisition of locomotives, rolling stock, track and signal. Limitation – not for corridor planning on mainline NEC
- Eligible project
  - Planning project for HSR corridor development eligible under 26101(b) - EAs, feasibility studies, economic analyses, impact on rail employment, community economic impacts, coordination with states/MPOs, operational planning, route selection, PE and design, identification of improvements including electrification and use of advanced locomotives and rolling stock; financing plans, P3s, acquisition of locomotives, rolling stock, track and signal. Limitation – not for corridor planning on mainline NEC
  - Capital project for HSR corridor development that
    - directly serves rail stations within higher density areas of urbanized areas and
    - is a capital project under 26106(b)(3) – project or program in a state rail plan for acquiring, construction, improving, or inspecting equipment, track, and track structure, or a facility of use in or for the primary benefit of HSR service, expenses incidental to acquisition or construction, capital portions of rail trackage rights agreements, highway-rail crossing improvements related to HSR, communication and signalization, relocation, acquiring housing sites, constructing/relocating/rehabbing replacement housing.
- Eligible entity – Eligible under 26101 or 26106
  - 26101 – public agency or group of public agencies
  - 26106 – state, group of states, interstate compact, public agency established by one or more states and having responsibility for providing high-speed rail service, or Amtrak
- Definitions
  - HSR – non-highway ground transportation that is owned or operated by an eligible entity and reasonably expected to reach speeds of 160 MPH or more on shared-use ROW or 186 MPH or more on dedicated ROW
  - Corridor – existing, modified or proposed intercity passenger rail service as defined in 26101(b)(5) (not sure about this code reference, I think it's supposed to be to 26106(b)(5), which is the definition of IPR service)

## **Sec. 110010. RRIF and Credit Risk Premium Assistance.**

- \$150M for FY22-FY26 to provide CRP assistance to eligible entities through RRIF
- Eligible entities – railroad carriers, state/local governments, government sponsored authorities or corporations

- Allocation
  - Passenger rail – not less than 50% set aside for publicly owned or operated passenger rail projects
  - Freight rail – not less than 25% set aside for non-Class I railroads

#### **Sec. 110026. Port Infrastructure and Supply Chain Resilience.**

- \$2.5B through 2027 to MARAD for competitive grants to support supply chain resilience, reduction in port congestion, development of offshore wind support infrastructure, environmental remediation, projects to reduce the impact of ports on the environment
- Administered through 46 USC 50302 (Port Development), eligibilities include movement of goods into/out of or around ports, including **rail, intermodal facilities**

#### **PROGRAMS THAT MAY HAVE RAIL ELIGIBILITIES AND/OR IMPACTS**

#### **Sec. 110002. Community Climate Incentive Grants**

*NOTE: Broad pot of funding to focus on climate and GHG reduction projects. The non-state pot of funding is especially broad and appears that it could fund multimodal projects and activities.*

- \$50M FHWA establish a GHG performance measure for states
- \$950M in incentive grants to states for carbon reduction projects if the state qualifies for a reward under the incentive structure established by the administrator OR has adopted carbon reduction strategies to achieve net-zero GHG by 2050 and incorporated into transportation plans, fed share in accordance with section 120 of title 23
- \$3B to local governments, MPOs, special purpose district, 202 of title 23 recipient (tribal), 100% fed share
- Projects:
  - projects that result in significant reductions in GHG related to a surface transportation facility;
  - provides zero emission transportation options;
  - reduces dependence on single-occupant vehicle trips;
  - or advances carbon reduction strategies adopted by an eligibility entity that contribute to achieving net-zero GHG emissions by 2050
- Restrictions – not be used for projects that result in additional through travel lanes for single occupant passenger vehicles
- Administration – as if under chapter 1 of title 23, project shall be treated as if on a fed-aid highway under such chapter

#### **Sec. 110003. Neighborhood Access and Equity Grants**

*NOTE: This is reconnecting communities+, it also incorporates trails, complete streets, mitigation efforts and planning/capacity grants. It could impact rail projects in communities.*

- \$3.95B for grants to improve walkability, safety and affordable transportation access of projects that are sensitive to the context of the community, federal share = 80 (100 if in a disadvantaged or underserved community)
  - \$1.58B must be made for projects in communities that are economically disadvantaged; have or will enter into a community benefits agreement; have an anti-displacement policy, a community land trust, or a community advisory board in effect; or have a demonstrated plan for employing local residents in the area impacted

- Eligible entities:
  - State, local government, MPO, political subdivision, recipient of 202 (tribal), territory
  - Nonprofit organization or institution of higher ed that enters into a partnership with those above for planning and capacity building activities in disadvantaged and underserved communities
- Projects:
  - Projects – Remove, remediate or reuse a facility; Replace a facility with one that is at-grade or lower speed; Retrofit or cap a facility; Build or improve complete streets, multiuse trails, regional greenways, or active transport networks and spines; Provide affordable access to essential destinations, public spaces or transportation links/hubs
  - Mitigation grants – to remediate any negative impacts on the human or natural environment resulting from a facility in a disadvantaged or underserved community, including noise barriers; technologies, infrastructure and other activities to reduce surface transportation-related air pollution including GHG; infrastructure or protective features to reduce or manage stormwater run-off resulting from a facility including natural infrastructure and pervious, permeable or porous pavement; infrastructure and natural features to reduce/mitigate urban heat island spots in the transportation right of way or on transportation facilities; or safety improvements for vulnerable road users
  - Planning and Capacity grants in disadvantaged or underserved communities – to identify, monitor, or assess local and ambient air quality, emissions of transportation GHG, hot spot areas of extreme heat or elevated air pollution, gaps in tree canopy coverage, or flood prone locations; access transportation equity or pollution impacts and develop local anti-displacement policies; conduct predevelopment activities for projects; expand public participation in planning; technical assistance
- Definition: Facility
  - surface transportation facility for which high speeds, grade separation or other design factors create an obstacle to connectivity within a community or
  - a surface transportation facility which is a source of air pollution, noise stormwater or other burden to a disadvantaged or underserved community
- Limitations – shall not be used for a project for additional through travel lanes for single-occupant passenger vehicles

**Sec. 110008. Local Transportation Projects (the earmark pot)**

- \$6B for projects to advance local surface transportation priorities
- No additional details