

118TH CONGRESS  
1ST SESSION

# H. R. 5980

To amend title 49, United States Code, to authorize state of good repair grants to be used for public transportation resilience improvement, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2023

Mr. ESPAILLAT (for himself and Ms. NORTON) introduced the following bill

OCTOBER 25, 2023

Referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to authorize state of good repair grants to be used for public transportation resilience improvement, 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 “Resilient Transit Act  
5 of 2023”.

6 **SEC. 2. DEFINITIONS.**

7 Section 5302 of title 49, United States Code, is  
8 amended—

1 (1) by redesignating paragraphs (17) through  
2 (25) as paragraphs (18) through (26), respectively;  
3 and

4 (2) by inserting after paragraph (16) the fol-  
5 lowing:

6 “(17) RESILIENCE IMPROVEMENT.—The term  
7 ‘resilience improvement’ has the meaning given the  
8 term in section 176(a) of title 23.”

9 **SEC. 3. STATE OF GOOD REPAIR GRANTS FOR PUBLIC**  
10 **TRANSPORTATION RESILIENCE IMPROVE-**  
11 **MENT.**

12 (a) IN GENERAL.—Section 5337 of title 49, United  
13 States Code, is amended by adding at the end the fol-  
14 lowing:

15 “(g) PUBLIC TRANSPORTATION RESILIENCE IM-  
16 PROVEMENT GRANTS.—

17 “(1) IN GENERAL.—The Secretary may make  
18 grants under this subsection to assist State and local  
19 government authorities in financing 1 or more eligi-  
20 ble activities described in paragraph (2).

21 “(2) ELIGIBLE ACTIVITIES.—

22 “(A) IN GENERAL.—A recipient of a grant  
23 under this subsection may use grant amounts  
24 for public transportation resilience improve-  
25 ments that increase the resilience of public

1 transportation systems from the impacts of cli-  
2 mate change, such as sea level rise, flooding,  
3 wildfires, extreme weather events, and other  
4 natural disasters.

5 “(B) INCLUSIONS.—Activities eligible to be  
6 carried out using grant amounts under this  
7 subsection include—

8 “(i) the installation of mitigation  
9 measures that prevent the intrusion of  
10 floodwaters;

11 “(ii) the installation of equipment to  
12 detect the occurrence of a flood event;

13 “(iii) the replacement of equipment or  
14 facilities that are currently prone to flood  
15 events or will be in the future;

16 “(iv) the purchase of new equipment  
17 to support regular maintenance of drain-  
18 age and pumping infrastructure;

19 “(v) the replacement of equipment  
20 stressed during extreme temperature  
21 events;

22 “(vi) the installation of equipment to  
23 regulate temperatures and sensors to mon-  
24 itor extreme temperatures;

1 “(vii) the development of backup sys-  
2 tems to provide redundancy during the  
3 outage of a primary power source;

4 “(viii) the assessment of system  
5 vulnerabilities to current and future weath-  
6 er events, natural disasters, and climate  
7 change, including sea level rise;

8 “(ix) the planning of system improve-  
9 ments and emergency response strategies  
10 to address identified vulnerabilities; and

11 “(x) any other activity for resilience  
12 improvement, as determined by the Sec-  
13 retary.

14 “(3) TYPES OF PROJECTS.—Grants under this  
15 subsection may be used to finance—

16 “(A) standalone projects; and

17 “(B) components of projects carried out  
18 under subsection (b)(1).

19 “(4) PUBLIC TRANSPORTATION RESILIENCE IM-  
20 PROVEDMENT FORMULA.—Of the amounts made  
21 available under section 5338(a)(2)(L) to carry out  
22 this subsection—

23 “(A) 97.15 percent shall be apportioned to  
24 recipients in accordance with subsection (c);  
25 and

1           “(B) 2.85 percent shall be apportioned to  
2 recipients in accordance with subsection (d).

3           “(5) ANNUAL REPORTS.—Not later than 1 year  
4 after the enactment of this subsection, and annually  
5 thereafter, the Secretary shall submit to the Com-  
6 mittee on Banking, Housing, and Urban Affairs of  
7 the Senate and the Committee on Transportation  
8 and Infrastructure of the House of Representatives  
9 and publish on the website of the Department of  
10 Transportation, a report that describes the imple-  
11 mentation of this subsection during the preceding  
12 calendar year, including—

13           “(A) a detailed description of the activities  
14 carried out with grants provided under this sub-  
15 section;

16           “(B) a summary of each project financed  
17 in whole or in part by a grant provided under  
18 this subsection that benefits or is located in—

19           “(i) a neighborhood with poverty and  
20 unemployment rates that exceed the aver-  
21 age in the United States;

22           “(ii) an underserved community or a  
23 medically underserved community;

1           “(iii) a location where the EJ Index is  
2           above the national average, as determined  
3           by EJSCREEN;

4           “(iv) an environmental justice commu-  
5           nity, as documented by federally recog-  
6           nized environmental justice mapping and  
7           equity screening tools; and

8           “(v) a neighborhood where 30 percent  
9           or more of households receive benefits  
10          under—

11           “(I) the supplemental nutrition  
12           assistance program under the Food  
13           and Nutrition Act of 2008 (7 U.S.C.  
14           2011 et seq.); or

15           “(II) a mandatory spending pro-  
16           gram of the Federal Government for  
17           which, as determined by the Sec-  
18           retary, eligibility for the benefits of  
19           the program, or the amount of such  
20           benefits, is determined on the basis of  
21           income or resources of the individual  
22           or family seeking the benefit; and

23           “(C) recommendations to improve the ad-  
24           ministration of this subsection.

25          “(6) DEFINITIONS.—In this subsection:

1           “(A) ENVIRONMENTAL JUSTICE COMMU-  
2           NITY.—The term ‘environmental justice com-  
3           munity’ means a community with significant  
4           representation of communities of color, low-in-  
5           come communities, or Tribal and indigenous  
6           communities, that experiences, or is at risk of  
7           experiencing higher or more adverse human  
8           health or environmental effects.

9           “(B) EJ INDEX.—The term ‘EJ Index’  
10          means the environmental justice indexes in  
11          EJSCREEN.

12          “(C) EJSCREEN.—The term  
13          ‘EJSCREEN’ means the environmental justice  
14          mapping and screening tool created by the En-  
15          vironmental Protection Agency.

16          “(D) MEDICALLY UNDERSERVED COMMU-  
17          NITY.—The term ‘medically underserved com-  
18          munity’ has the meaning given such term in  
19          section 799B of the Public Health Service Act  
20          (42 U.S.C. 295p).

21          “(E) UNDERSERVED COMMUNITY.—The  
22          term ‘underserved community’ means—

23                 “(i) a community located within a  
24                 ZIP Code or census tract that is identified  
25                 by the Secretary as—

1 “(I) a low-income community;  
2 “(II) a community of color; or  
3 “(III) a Tribal community; or  
4 “(ii) any other community that the  
5 Secretary determines is disproportionately  
6 vulnerable to, or bears a disproportionate  
7 burden of, any combination of economic,  
8 social, environmental, or climate  
9 stressors.”.

10 (b) CONFORMING AMENDMENTS.—Section 5337 of  
11 title 49, United States Code, is amended by striking “sec-  
12 tion 5338(a)(2)(K)” each place it appears and inserting  
13 “section 5338(a)(2)(L)”.

14 **SEC. 4. AUTHORIZATIONS.**

15 Section 5338(a) of title 49, United States Code, is  
16 amended—

17 (1) in paragraph (1)—

18 (A) in subparagraph (B), by striking  
19 “\$13,634,000,000” and inserting  
20 “\$13,934,000,000”;

21 (B) in subparagraph (C), by striking  
22 “\$13,990,000,000” and inserting  
23 “\$14,290,000,000”;



1 (C) in subparagraph (D), by striking  
2 “\$14,279,000,000” and inserting  
3 “\$14,579,000,000”; and

4 (D) in subparagraph (E), by striking  
5 “\$14,642,000,000” and inserting  
6 “\$14,942,000,000”; and

7 (2) in paragraph (2)(L)—

8 (A) by striking “\$3,587,778,037” and in-  
9 serting “\$3,887,778,037”;

10 (B) by striking “\$3,680,934,484” and in-  
11 serting “\$3,980,934,484”;

12 (C) by striking “\$3,755,675,417” and in-  
13 serting “\$4,055,675,417”;

14 (D) by striking “\$3,850,496,668” and in-  
15 serting “\$4,150,496,668”; and

16 (E) by inserting “and \$300,000,000 for  
17 each of fiscal years 2024 through 2027 shall be  
18 available to carry out section 5337(g)” after  
19 “section 5337(f)”.

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