

118TH CONGRESS
1ST SESSION

S. 3080

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.

IN THE SENATE OF THE UNITED STATES

OCTOBER 18, 2023

Mrs. GILLIBRAND (for herself, Mr. BOOKER, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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) DEFINITIONS.—In this section:

18 “(A) ENVIRONMENTAL JUSTICE COMMU-
 19 NITY.—The term ‘environmental justice com-
 20 munity’ means a community with significant
 21 representation of communities of color, low-in-
 22 come communities, or Tribal and indigenous
 23 communities, that experiences or is at risk of
 24 experiencing higher or more adverse human
 25 health or environmental effects.

1 “(B) EJSCREEN.—The term
2 ‘EJSCREEN’ means the environmental justice
3 mapping and screening tool created by the En-
4 vironmental Protection Agency.

5 “(C) EJ INDEX.—The term ‘EJ Index’
6 means the Environmental Justice Indexes in
7 EJSCREEN.

8 “(D) MEDICALLY UNDERSERVED COMMU-
9 NITY.—The term ‘medically underserved com-
10 munity’ has the meaning given the term in sec-
11 tion 799B of the Public Health Service Act (42
12 U.S.C. 295p).

13 “(E) UNDERSERVED COMMUNITY.—The
14 term ‘underserved community’ means—

15 “(i) a community located within a
16 ZIP Code or census tract that is identified
17 by the Secretary as—

18 “(I) a low-income community;

19 “(II) a community of color; or

20 “(III) a Tribal community; or

21 “(ii) any other community that the
22 Secretary determines is disproportionately
23 vulnerable to, or bares a disproportionate
24 burden of, any combination of economic,
25 social, environmental, or climate stressors.

1 “(2) GRANTS.—The Secretary may make
2 grants under this subsection to assist State and local
3 government authorities in financing 1 or more eligi-
4 ble activities described in paragraph (3).

5 “(3) ELIGIBLE ACTIVITIES.—

6 “(A) IN GENERAL.—A recipient of a grant
7 under this subsection may use grant amounts
8 for public transportation resilience improve-
9 ments that increase the resilience of public
10 transportation systems from the impacts of cli-
11 mate change, such as sea level rise, flooding,
12 wildfires, extreme weather events, and other
13 natural disasters.

14 “(B) INCLUSIONS.—Activities eligible to be
15 carried out using grant amounts under this
16 subsection include—

17 “(i) the installation of mitigation
18 measures that prevent the intrusion of
19 floodwaters;

20 “(ii) the installation of equipment to
21 detect the occurrence of a flood event;

22 “(iii) the replacement of equipment or
23 facilities that are currently prone to flood
24 events or will be in the future;

1 “(iv) the purchase of new equipment
2 to support regular maintenance of drain-
3 age and pumping infrastructure;

4 “(v) the replacement of equipment
5 stressed during extreme temperature
6 events;

7 “(vi) the installation of equipment to
8 regulate temperatures and sensors to mon-
9 itor extreme temperatures;

10 “(vii) the development of backup sys-
11 tems to provide redundancy during the
12 outage of a primary power source;

13 “(viii) the assessment of system
14 vulnerabilities to current and future weath-
15 er events, natural disasters, and climate
16 change, including sea level rise;

17 “(ix) the planning of system improve-
18 ments and emergency response strategies
19 to address identified vulnerabilities; and

20 “(x) any other activity for resilience
21 improvement, as determined by the Sec-
22 retary.

23 “(4) TYPES OF PROJECTS.—Grants under this
24 subsection may be used to finance—

25 “(A) standalone projects; and

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

3 “(5) PUBLIC TRANSPORTATION RESILIENCE IM-
4 PROVEMENT FORMULA.—Of the amounts made
5 available under section 5338(a)(2)(L) to carry out
6 this subsection—

7 “(A) 97.15 percent shall be apportioned to
8 recipients in accordance with subsection (c);
9 and

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

12 “(6) ANNUAL REPORTS TO CONGRESS.—Not
13 later than 1 year after the date of enactment of this
14 subsection, and annually thereafter, the Secretary
15 shall submit to the Committee on Banking, Housing,
16 and Urban Affairs of the Senate and the Committee
17 on Transportation and Infrastructure of the House
18 of Representatives, and publish on the website of the
19 Department of Transportation, a report that de-
20 scribes the implementation of this subsection during
21 the preceding calendar year, including—

22 “(A) a detailed description of the activities
23 carried out under the grants provided under
24 this subsection;

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

4 “(i) a neighborhood with poverty and
5 unemployment rates that exceed the aver-
6 age in the United States;

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

10 “(I) the supplemental nutrition
11 assistance program under the Food
12 and Nutrition Act of 2008 (7 U.S.C.
13 7011 et seq.); or

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

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

1 “(iv) an EPA region where the EJ
 2 Index is above the national average, as de-
 3 termined by EJSCREEN; or

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

8 “(C) recommendations to improve the ad-
 9 ministration of this subsection.”.

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 (C), by striking
 19 “\$13,990,000,000” and inserting
 20 “\$14,290,000,000”;

21 (B) in subparagraph (D), by striking
 22 “\$14,279,000,000” and inserting
 23 “\$14,579,000,000”; and

1 (C) in subparagraph (E), by striking
2 “\$14,642,000,000” and inserting
3 “\$14,942,000,000”; and
4 (2) in paragraph (2)(L)—
5 (A) by striking “\$3,680,934,484” and in-
6 serting “\$3,980,934,484”;
7 (B) by striking “\$3,755,675,417” and in-
8 serting “\$4,055,675,417”;
9 (C) by striking “\$3,850,496,668” and in-
10 serting “\$4,150,496,668”; and
11 (D) by inserting “and \$300,000,000 for
12 each of fiscal years 2024 through 2027 shall be
13 available to carry out section 5337(g)” after
14 “section 5337(f)”.

○