

117TH CONGRESS  
1ST SESSION

# H. R. 2177

To review equity best practices in relation to transportation funding and to reinstitute the transportation equity research program.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2021

Mrs. TORRES of California (for herself, Mr. GARCÍA of Illinois, Mrs. NAPOLITANO, Mr. TAKANO, Mr. GRIJALVA, Ms. MOORE of Wisconsin, Ms. JACKSON LEE, Mr. CARBAJAL, Ms. BARRAGÁN, Ms. ESHOO, Mr. VARGAS, Ms. BUSH, Mrs. WATSON COLEMAN, Ms. PRESSLEY, Mr. BOWMAN, and Ms. WILLIAMS of Georgia) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To review equity best practices in relation to transportation funding and to reinstitute the transportation equity research program.

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 “Fair Transportation  
5 Act”.

### 6 **SEC. 2. DEFINITION OF COVERED POPULATIONS.**

7 In this Act:

1           (1) AFFORDABILITY.—The term “affordability”  
 2           means the cost-burden threshold on households by  
 3           income, including housing and transportation costs,  
 4           which may be determined by the Federal agency car-  
 5           rying out a specific task such as a report or guid-  
 6           ance.

7           (2) COVERED POPULATIONS.—The term “cov-  
 8           ered populations” means, as determined by the Fed-  
 9           eral agency applying such term—

- 10                   (A) communities of color;
- 11                   (B) low-income communities;
- 12                   (C) individuals with disabilities;
- 13                   (D) LGBTQ people;
- 14                   (E) people experiencing homelessness;
- 15                   (F) youth and elderly populations;
- 16                   (G) formerly incarcerated individuals;
- 17                   (H) women; and
- 18                   (I) individuals who are members of Indian
- 19           tribes.

20 **SEC. 3. GAO REVIEW OF EQUITY CONSIDERATIONS AT**  
 21 **STATE DEPARTMENTS OF TRANSPORTATION.**

22           (a) REVIEW REQUIRED.—

23           (1) IN GENERAL.—Not later than 1 year after  
 24           the date of enactment of this Act, the Comptroller  
 25           General of the United States shall undertake a re-

1 view, to the extent practicable, of the extent to which  
2 State departments of transportation consider equity  
3 and improve equity outcomes in the use of Federal  
4 surface transportation funds at all phases of project  
5 delivery, including—

6 (A) the transportation planning, project se-  
7 lection, and project delivery; and

8 (B) considerations of the diverse transpor-  
9 tation needs of covered populations.

10 (2) CONSIDERATIONS.—In carrying out the re-  
11 view under paragraph (1), the Comptroller General  
12 shall—

13 (A) consider relevant State department of  
14 transportation practices and transportation eq-  
15 uity measures and the impacts of such meas-  
16 ures and practices on covered populations expe-  
17 riencing differential impacts in the surface  
18 transportation sector;

19 (B) evaluate, to the extent possible, wheth-  
20 er any such equity measures and practices con-  
21 sider the access, affordability, safety, conven-  
22 ience, resilience, and reliability of transpor-  
23 tation in covered populations; and

24 (C) evaluate, to the extent possible, wheth-  
25 er such measures and practices consider the im-

1            pact of surface transportation funding on the  
2            distribution of economic benefits such as from  
3            job creation and receipts of Federal funding by  
4            the community, of transportation in covered  
5            populations.

6            (b) FINAL REPORT.—Not later than 1 year after the  
7            date of enactment of this Act, the Comptroller General  
8            shall submit to the Committee on Transportation and In-  
9            frastructure and the Committee on Appropriations of the  
10          House of Representatives and the Committee on Environ-  
11          ment and Public Works, the Committee on Commerce,  
12          Science, and Transportation, the Committee on Banking,  
13          Housing, and Urban Affairs, and the Committee on Ap-  
14          propriations of the Senate, and make available on a pub-  
15          licly accessible website, a report detailing—

16            (1) the findings based on the review in sub-  
17          section (a);

18            (2) any recommendations for State departments  
19          of transportation to improve equity considerations  
20          and incorporate equity considerations into all phases  
21          of project delivery, including the planning, bidding,  
22          project design, and project selection process as well  
23          as how bids are advertised and awarded, which may  
24          be in the form of model legislation, best practices, or  
25          guidance; and

1           (3) recommended actions the Secretary of  
2       Transportation could take, if any, to effectively ad-  
3       dress the recommendations provided under para-  
4       graph (2) to improve equity considerations in the  
5       surface transportation sector.

6   **SEC. 4. TRANSPORTATION EQUITY RESEARCH PROGRAM.**

7       (a) IN GENERAL.—The Secretary of Transportation  
8       shall carry out a transportation equity research program  
9       for research and demonstration activities that focus on the  
10      impacts that surface transportation planning, investment,  
11      and operations have on covered populations.

12      (b) ACTIVITIES.—Demonstration activities referred  
13      to in subsection (a) shall include research on surface  
14      transportation equity issues such as infrastructure bar-  
15      riers that cut off individuals and communities from essen-  
16      tial jobs and services, (including inadequate services ren-  
17      dered during natural and man-made disasters), access to  
18      publicly-owned and public benefit data, data gathering and  
19      analyzing particularly to support the development of eq-  
20      uity measures, as well as the development of strategies to  
21      advance economic and community development in public  
22      transportation-dependent populations.

23      (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
24      authorized to be appropriated to carry out this section  
25      \$8,000,000 for each of fiscal years 2022 through 2025.

1 (d) INFORMATION COLLECTION.—

2 (1) DATASETS AND DATA ANALYSIS TOOLS.—In  
3 carrying out this section, the Secretary shall collect,  
4 develop, use, and maintain datasets and data anal-  
5 ysis tools as necessary for the development of evi-  
6 dence for evaluation purposes, in support of the  
7 Foundations for Evidence-Based Policymaking Act  
8 of 2018 (Public Law 115–435).

9 (2) APPLICATION OF CHAPTER 35 OF TITLE  
10 44.—Any survey, questionnaire, or interview that the  
11 Secretary determines to be necessary to carry out re-  
12 porting requirements relating to this subsection, in-  
13 cluding customer satisfaction assessments, shall not  
14 be subject to chapter 35 of title 44, United States  
15 Code.

16 **SEC. 5. GAO REVIEW OF DISCRETIONARY GRANT PRO-**  
17 **GRAMS.**

18 (a) IN GENERAL.—Not later than 1 year after the  
19 date of enactment of this Act, the Comptroller General  
20 of the United States shall submit to the Secretary of  
21 Transportation, the Committee on Appropriations and  
22 Committee on Transportation and Infrastructure of the  
23 House of Representatives and the Committee on Environ-  
24 ment and Public Works, the Committee on Appropria-  
25 tions, the Committee on Banking, Housing, and Urban

1 Affairs, and the Committee on Commerce, Science, and  
 2 Transportation of the Senate a review of covered discre-  
 3 tionary grant programs, as selected by the Comptroller  
 4 General, to determine the extent to which the Secretary  
 5 is considering the needs of and awarding funding through  
 6 such programs to projects that serve any group or popu-  
 7 lation experiencing differential impacts in the transpor-  
 8 tation sector.

9 (b) RECOMMENDATIONS.—The Comptroller General  
 10 shall include as part of the review under subsection (a)  
 11 recommendations to the Secretary on possible means to  
 12 consider equity and improve equity outcomes.

13 (c) DEFINITION OF COVERED DISCRETIONARY  
 14 GRANT PROGRAM.—In this section, the term “covered dis-  
 15 cretionary grant programs” means discretionary grant  
 16 programs under title 23, United States Code, and chapter  
 17 53 of title 49, United States Code.

18 **SEC. 6. GUIDANCE ON EQUITY IN DISBURSING FUNDING.**

19 (a) IN GENERAL.—Not later than 2 years after the  
 20 date of enactment of this Act, the Secretary of Transpor-  
 21 tation shall issue guidance on how to consider equity in  
 22 disbursing funding, including the equity measures and  
 23 best practices the Secretary shall use to consider equity.

1       (b) CONSIDERATIONS.—In issuing guidance under  
2 subsection (a), the Secretary shall ensure transportation  
3 equity measures, if applicable, consider—

4           (1) the impact of transportation planning, in-  
5 vestment, and operations on covered populations;  
6       and

7           (2) the access, affordability, safety, convenience,  
8       and reliability of transportation in underserved com-  
9       munities.

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