

117TH CONGRESS
1ST SESSION

H. R. 3744

To amend title 49, United States Code, to establish a program to provide grants to eligible recipients for eligible operating support costs of public transportation and associated capital improvements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2021

Mr. JOHNSON of Georgia (for himself, Ms. SCHAKOWSKY, Mr. GARCÍA of Illinois, Mr. HUFFMAN, Ms. PRESSLEY, Mr. ESPAILLAT, and Mr. CARSON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to establish a program to provide grants to eligible recipients for eligible operating support costs of public transportation and associated capital improvements, 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 “Stronger Communities
5 through Better Transit Act”.

1 **SEC. 2. HIGH QUALITY TRANSIT OPERATING SUPPORT PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—Chapter 53 of title 49, United
4 States Code, is amended by inserting after section 5307
5 the following:

6 **“§ 5308. High quality transit operating support pro-**
7 **gram**

8 “(a) IN GENERAL.—The Secretary of Transportation
9 shall establish a program under which the Secretary may
10 make grants to eligible recipients for eligible operating
11 support costs of public transportation and associated cap-
12 ital improvements.

13 “(b) ALLOCATION OF FUNDING.—The Secretary
14 shall allocate funding as follows:

15 “(1) 75 percent through the formula under sec-
16 tion 5336.

17 “(2) 23.75 percent through the formula under
18 section 5311(c)(3).

19 “(3) 1.25 percent to Indian Tribes through the
20 formula under section 5311(j).

21 “(c) ELIGIBLE PROJECTS.—

22 “(1) IN GENERAL.—Eligible recipients may use
23 funding provided under this section for eligible oper-
24 ating support costs of public transportation and as-
25 sociated capital improvements that make substantial
26 improvements to transit service as measured by a

1 comparison to the number of revenue hours of serv-
2 ice provided by the recipient during the covered pe-
3 riod, including—

4 “(A) operating projects that decrease
5 headways;

6 “(B) operating projects that expand service
7 area, hours, or days;

8 “(C) operating projects for new or in-
9 creased frequent non-fixed guideway service or
10 frequent fixed guideway service;

11 “(D) service planning, including planning
12 to address changing demographics, changing
13 travel movement, network redesign (including
14 the implementation of a plan that results in a
15 net increase in service hours across a region,
16 subregion, or study area), and accommodating
17 essential service trips (including service trips
18 for employment, healthcare facilities, child care,
19 education and workforce training, food sources,
20 banking and other financial institutions, and
21 other retail shopping establishments);

22 “(E) measuring access to work and essen-
23 tial services, particularly for non-drivers, includ-
24 ing data acquisition and acquiring outside sup-
25 port for conducting the analysis; and

1 “(F) associated capital improvements re-
2 lated to projects described in subparagraphs
3 (A) through (E).

4 “(2) COVERED YEAR FOR REVENUE HOURS.—

5 “(A) COVERED PERIOD DEFINED.—In this
6 subsection, the term ‘covered period’ means—

7 “(i) for the period beginning on the
8 date of enactment of this section and end-
9 ing on the last day of the fiscal year 3 fis-
10 cal years thereafter, fiscal year 2019; and

11 “(ii) for the period beginning on the
12 first day of the fourth fiscal year after the
13 date of enactment of this section and con-
14 tinuing through the last day of the fol-
15 lowing fiscal year, the fiscal year preceding
16 the fourth fiscal year.

17 “(B) EXCEPTION FOR EMERGENCY.—In
18 any fiscal year, the Secretary may change the
19 comparison year under paragraph (1) in the
20 case of an emergency.

21 “(3) PRIORITIZATION.—Recipients of a grant
22 under this section shall balance needs to decrease
23 headways on low-frequency routes with needs for in-
24 creased capacity on high-frequency routes when allo-
25 cating operating costs and public transportation

1 projects described in subparagraphs (A) through (C)
2 of paragraph (1).

3 “(4) WAIVER.—The Secretary may waive the
4 requirements of paragraph (3) if an eligible recipient
5 certifies that all of the service provided by such re-
6 cipient meets the baseline frequency and access
7 measurement for access to jobs and essential serv-
8 ices (as determined under subsection (k)) that is sat-
9 isfactory to the Secretary.

10 “(d) LIMITATION.—

11 “(1) IN GENERAL.—A recipient of a grant
12 under this section may not use more than 10 per-
13 cent of such grant for projects described in subpara-
14 graphs (D) through (F) of subsection (c)(1).

15 “(2) INCREASE OF LIMITATION.—The Secretary
16 may increase the limitation in paragraph (1) to not
17 more than 20 percent if a recipient can demonstrate
18 that such an increase will result in substantial serv-
19 ice improvements in a given fiscal year.

20 “(e) REQUIREMENT.—A preponderance of a grant re-
21 ceived by a recipient under this section in a fiscal year
22 shall be used for projects that primarily serve underserved
23 communities or areas of persistent poverty.

24 “(f) FEDERAL SHARE.—

1 “(1) IN GENERAL.—The Federal share of a
2 project or program carried out using a grant award-
3 ed under this section shall be not greater than 50
4 percent.

5 “(2) INCREASED FEDERAL SHARE FOR CERTAIN
6 AREAS.—Notwithstanding paragraph (1), the Fed-
7 eral share of a project or program carried out in an
8 area of persistent poverty or an underserved commu-
9 nity using a grant awarded under this section shall
10 be not greater than 80 percent.

11 “(3) FEDERAL SHARE FOR INDIAN TRIBES.—
12 Notwithstanding paragraph (1), for Indian Tribes
13 receiving funding allocated under subsection (b)(3),
14 the Federal share of a project or program carried
15 out using a grant awarded under this section shall
16 be 100 percent.

17 “(4) IN KIND MATCH.—Of the non-Federal
18 share required under this subsection, 25 percent
19 may be derived from amounts (other than amounts
20 received from the Federal Transit Administration)
21 expended for associated capital improvements related
22 to a project or program carried out using a grant
23 awarded under this section.

24 “(g) PERIOD OF AVAILABILITY.—An amount appor-
25 tioned under this section may be obligated by the recipient

1 for 2 years after the fiscal year in which the amount is
2 apportioned. Not later than 30 days after the end of the
3 2-year period, an amount that is not obligated at the end
4 of that period shall be added to the amount that may be
5 apportioned under this section in the following fiscal year.

6 “(h) CONDITIONS.—As a condition of receiving a
7 grant under this section, an eligible recipient shall—

8 “(1) in the case of a recipient in an urbanized
9 area—

10 “(A) agree to report to the Federal Transit
11 Administration, for inclusion in the National
12 Transit Database—

13 “(i) service frequency and revenue ve-
14 hicle hours, including revenue vehicle hours
15 and unlinked passenger trips originating
16 and terminating in areas of persistent pov-
17 erty and underserved communities, to-
18 gether with such other specific data as the
19 Secretary shall find necessary and appro-
20 priate; and

21 “(ii) the number of jobs and essential
22 services accessible by transit, and improve-
23 ment in such access, including specific re-
24 porting on access by transit for areas of

1 persistent poverty and underserved com-
2 munities; and

3 “(B) demonstrate that such recipient has
4 surveyed, within the past year and at least
5 every 2 years thereafter, current transit riders
6 as well as non-riding residents of areas of per-
7 sistent poverty and underserved communities
8 regarding transit service improvements, using
9 means designed to maximize participation from
10 both riders and non-riders, and has published
11 the survey in an online format;

12 “(2) in the case of a recipient that is a federally
13 recognized tribe or Alaska Native village—

14 “(A) agree to report to the Federal Transit
15 Administration, for inclusion in the National
16 Transit Database, revenue vehicle hours and
17 unlinked passenger trips, together with such
18 other specific data as the Secretary shall find
19 necessary and appropriate; and

20 “(B) demonstrate that such recipient has
21 surveyed, within the past year and at least
22 every 2 years thereafter, current transit riders
23 as well as non-riding residents of the tribe’s or
24 village’s service area regarding transit service
25 improvements, using means designed to maxi-

1 mize participation from both riders and non-rid-
2 ers, and has published the survey in an online
3 format; and

4 “(3) in the case of a recipient that is a State
5 or other possession receiving assistance under sec-
6 tion 5311—

7 “(A) agree to report to the Federal Transit
8 Administration, for inclusion in the National
9 Transit Database, revenue vehicle hours for
10 each subrecipient receiving assistance under
11 this section, including revenue vehicle hours and
12 unlinked passenger trips originating and termi-
13 nating in areas of persistent poverty and under-
14 served communities, together with such other
15 specific data as the Secretary shall find nec-
16 essary and appropriate;

17 “(B) provide an annually updated report to
18 the Secretary identifying those underserved
19 communities and areas of persistent poverty in
20 the non-urbanized areas of the State or posses-
21 sion that do not have any reported public tran-
22 sit services, or in which either the availability or
23 utilization of rural public transit is in the bot-
24 tom quintile as compared to all rural public
25 transit services in the United States, using such

1 measurements as shall be identified by the Sec-
2 retary, together with annually updated progress
3 toward achieving the State's or possession's
4 strategy for establishing high-quality transit
5 service in these unserved and underserved com-
6 munities and areas of persistent poverty; and

7 “(C) demonstrate that every subrecipient
8 of the State or possession has surveyed, within
9 the past year and at least every 2 years there-
10 after, current transit riders as well as non-
11 riding residents of areas of persistent poverty
12 and underserved communities within the sub-
13 recipient's service area regarding transit service
14 improvements, using means designed to maxi-
15 mize participation from both riders and non-rid-
16 ers, and has published the survey in an online
17 format.

18 “(i) REGULATIONS.—Not later than 1 year after the
19 date of enactment of this Act, the Secretary shall issue
20 such regulations as are necessary to carry out the program
21 established under subsection (a), including defining the
22 terms ‘frequent service’, ‘preponderance of a grant’, ‘pri-
23 marily serve’, and ‘access to jobs and essential service’ for
24 purposes of this Act, including by taking into account any
25 necessary difference in the definition of such terms re-

1 quired for urbanized areas, rural areas located near ur-
2 banized areas, and remote rural areas.

3 “(j) PROHIBITION ON PRIVATIZATION.—Any eligible
4 project carried out using a grant under this section shall
5 be operated and maintained by employees of an existing
6 public transportation provider in the service area.

7 “(k) ACCESS MEASUREMENT.—

8 “(1) IN GENERAL.—In carrying out the pro-
9 gram under this section, the Secretary shall set up
10 a multimodal access measurement interface that is
11 open to any public agency through the program
12 under section 5505 of title 49, United States Code,
13 to aid transit agencies in determining and reporting
14 on access to jobs and essential services.

15 “(2) INTERIM DATA.—Until the access meas-
16 urement interface under paragraph (1) is estab-
17 lished, an eligible recipient may use other data
18 sources to determine and report on access to jobs
19 and essential services.

20 “(l) GAO REPORT.—Not later than 4 years after the
21 date of enactment of this Act, the Comptroller General
22 of the United States shall submit to the Committee on
23 Transportation and Infrastructure of the House of Rep-
24 resentatives and the Committee on Banking, Housing, and
25 Urban Affairs of the Senate a report that reviews the out-

1 comes of the program established under subsection (a), in-
2 cluding new service produced and improvements in access
3 to work and essential services, particularly for areas of
4 persistent poverty and underserved communities.

5 “(m) PREVAILING WAGE.—The Secretary shall en-
6 sure that any labor associated with eligible operating costs
7 or a public transportation project carried out using a
8 grant made under this section will be paid wages not less
9 than those prevailing on similar projects in the locality,
10 as determined by the Secretary of Labor under subchapter
11 IV of chapter 31 of title 40. The Secretary shall make
12 a grant under this section only after being assured that
13 required labor standards will be maintained.

14 “(n) MAINTENANCE OF EFFORT.—

15 “(1) IN GENERAL.—Not later than 30 days
16 after the beginning of each fiscal year, recipients of
17 funds under this section shall certify to the Sec-
18 retary that such recipients will, with funding pledged
19 by all sources, maintain effort with regard to transit
20 service. As part of this certification, the transit
21 agency shall submit to the Secretary a statement
22 identifying the amount of funds from all sources
23 (other than funds provided under this section and
24 related non-Federal match) expended on transit op-
25 erations during the prior fiscal year, and the amount

1 expected to be expended on transit operations from
2 all sources during the current fiscal year.

3 “(2) FAILURE TO MAINTAIN EFFORT.—If a re-
4 cipient of funds under this section is unable to main-
5 tain the level of effort certified pursuant to para-
6 graph (1) for any fiscal year, the amount such re-
7 cipient would have received under this section in the
8 following fiscal year shall be reduced by one-third.

9 “(o) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed to prevent an eligible recipient
11 from increasing service through the use of any other Fed-
12 eral or non-Federal funds.

13 “(p) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out this section
15 \$20,000,000,000 for each of fiscal years 2023 through
16 2026.

17 “(q) DEFINITIONS.—In this section:

18 “(1) AREAS OF PERSISTENT POVERTY.—The
19 term ‘area of persistent poverty’ means—

20 “(A) a county that has consistently had
21 greater than or equal to 20 percent of the pop-
22 ulation of such county living in poverty during
23 the most recent 30-year period for which data
24 is available, as measured by the 1990 and 2000
25 decennial censuses; or

1 “(B) a census tract with a poverty rate of
2 at least 20 percent as measured by the 2014
3 through 2018 5-year data series available from
4 the American Community Survey of the Bureau
5 of the Census.

6 “(2) ASSOCIATED CAPITAL IMPROVEMENTS.—
7 The term ‘associated capital improvements’ means
8 capital projects described in subparagraphs (B)
9 through (G) of section 5302(a)(1) of title 49, United
10 States Code.

11 “(3) ELIGIBLE RECIPIENT.—The term ‘eligible
12 recipient’ means a recipient or subrecipient of funds
13 under section 5307 or 5311 of title 49, United
14 States Code.

15 “(4) UNDERSERVED COMMUNITY.—The term
16 ‘underserved community’ means—

17 “(A) a census tract or block numbering
18 area in which the median income does not ex-
19 ceed 80 percent of the area median income;

20 “(B) families with income not greater than
21 100 percent of the area median income that re-
22 side in minority census tracts;

23 “(C) families with income not greater than
24 100 percent of the area median income that re-
25 side in areas affected by disasters, as deter-

1 mined by the Administrator of the Federal
2 Transit Administration;

3 “(D) a census tract that has a minority
4 population of at least 30 percent or a median
5 income of less than 100 percent of the area me-
6 dian income;

7 “(E) a community that has low access to
8 jobs and essential services, as determined by
9 the Secretary; or

10 “(F) a census block or group of geographi-
11 cally contiguous census blocks in which the pop-
12 ulation of any racial or ethnic minority individ-
13 uals, individually or in combination, comprises
14 30 percent or more of the population of persons
15 in the census block or group of geographically
16 contiguous census blocks.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 53 of title 49, United States Code, is amended by in-
19 serting after the item relating to section 5307 the fol-
20 lowing:

 “5308. High quality transit operating support program.”.

21 (c) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that capital funding for transit should be increased.

○