

## AGC of America's Analysis of the INVEST in America Act *(as reported)*<sup>1</sup>

### **Introduction:**

On June 17-18, 2020, the House Transportation and Infrastructure Committee (T&I Committee) held a historic mark up and ordered H.R. 2, [the INVEST in America Act](#), as amended to be reported favorably to the House of Representatives. The bill is Chairman Peter DeFazio's proposal to reauthorize federal surface transportation programs. T&I Committee Republicans were not involved in the development of the underlying bill. It provides \$494 billion over five-years to improve the nation's highways, bridges, public transit systems, and passenger rail systems.

The T&I Committee met over a two-day period to consider the bill during its first-ever hybrid mark up with Members participating both in person and virtually. More than 300 amendments were filed, including Ranking Member Sam Graves' [the STARTER Act](#), which is the Republicans' counter proposal to reauthorize federal surface transportation programs. In general, amendments that would have significantly altered the key principles, programmatic changes, and funding levels in the bill were defeated. Analysis of notable amendments that were adopted by the T&I Committee and the STARTER Act (not adopted) are below. Since the bill was not fundamentally altered, AGC's original analysis of the bill (as introduced) is also included below following the discussion of amendments.

On June 22, 2020, the House Democrats unveiled a significantly expanded H.R. 2, now known as the [Moving Forward Act \(Act\)](#), which provides more than \$1.5 trillion in funding over five years for the nation's infrastructure. The Act is more than 2,300 pages and incorporates Chairman DeFazio's surface transportation bill as reported by the T&I Committee along with legislation from six other House Committees with jurisdiction over infrastructure. In general, the Act tracks closely with funding and principles in the [Moving Forward for America Framework](#) (Framework) that was released by House Democrats in January. However, the Act does contain additional funding for schools, healthcare infrastructure, among other items that were not previously included in the Framework. The full House is expected to consider H.R. 2 the week of June 29.

### **T&I Committee Mark Up of INVEST in America Act:**

#### **I. Notable Amendments to the House Democrats' INVEST in America Act (ADOPTED)**

##### **A. Amendment in the Nature of a Substitute to H.R. 2**

When the T&I Committee announced its mark up, it directed Members to draft amendments to Chairman DeFazio's amendment in the nature of a substitute (ANS) to H.R. 2. The ANS, as adopted, strikes and replaces the bill text of H.R. 2, as introduced. In general, the ANS does not include significant changes to the bill. Instead, it addresses several technical issues and struck a couple of sections and added a few new sections. One of the new sections establishes a competitive grant program to create "Innovative Materials Hubs" that would facilitate the development of innovative materials across the United States. These Hubs' activities would not duplicate the research activities on innovative materials performed by U.S. Department of Transportation (USDOT) or other federal agencies.

##### **B. Manager's Amendment**

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<sup>1</sup> The INVEST in America Act, as reported out of the House T&I Committee, is incorporated in Divisions A, B, and D of H.R.2, the Moving Forward Act.

June 23, 2020



The adopted Manager’s Amendment incorporates several amendments filed by Members of the T&I Committee well in advance of the actual deadline for filing amendments. Among others, the Manager’s Amendment incorporates amendments that:

- Increase funding dedicated to specific geographic areas of the state within the Surface Transportation Program, thereby limiting the flexibility of a state DOT to determine where funds and projects are most needed. It should be noted that this dedicated funding can take the longest to actually be spent;
- Require corrosion prevention work on certain bridges be performed by certified contractors. A certified contractor is a contractor or a subcontractor that has been certified by a third-party organization to carry out work on certain bridges. A certified contractor must also provide training for its employees through a qualified training program;
- Increase the number of years under certain circumstances that a state department of transportation can assume the Federal Highway Administration’s responsibility for determining when an activity is excluded from developing an environmental impact statement or an environmental assessment under the National Environmental Policy Act (NEPA);
- Increase federal share for projects that incorporate advanced digital construction management systems;
- Establish a program to carry about a series of public service announcement campaigns to raise awareness of career opportunities in the transportation sector; and
- Require USDOT to study the procurement process that state DOTs use to select construction materials for federally funded highway projects.

### C. Other Amendments

As previously stated, the other amendments that were adopted at mark up did not significantly alter the funding levels, programmatic structure, or policies of the bill. In general, the amendments adopted were largely non-controversial or enjoyed some level of bipartisan support. An example of an exception to this, was the adoption of an amendment that placed further restrictions on building highway capacity projects under the National Highway Performance Program. Among others, the adopted amendments:

- Direct USDOT to issue the final rule to implement a pilot program that allows a state to substitute its environmental law for the (NEPA) under certain circumstances;
- Add construction materials to the Buy America requirements for federally funded highway projects;
- Strengthen the Buy America requirements for federal transit projects in the bill;
- Allow a certain number of airports to use their Airport Improvement Program funding for innovative financing techniques related to an airport development project;
- Require the Government Accountability Office to study the National Parks Service’s prioritization of maintenance projects for federal lands transportation facilities; and
- Prohibits the imposition of fees for the use of truck parking facility built with a federal grant.

## II. **The STARTER Act: House Republicans’ Surface Transportation Proposal (NOT ADOPTED)**

Last week, Ranking Member Graves, along with more than 20 Republicans, introduced the STARTER Act, which reauthorizes federal surface transportation programs. The bill adheres to the Republicans’ [principles for surface transportation](#), which were released in January. It was also filed as an ANS for the T&I Committee’s mark up. The ANS was defeated. Below is a brief analysis of the STARTER Act.

D. Funding and Federal Share

The bill authorizes current levels of funding for highways, bridges, and public transit systems for five years and requires that any future increases in federal funding go to certain programs within the Federal-aid Highway Program, such as the National Highway Performance Program and Surface Transportation Block Grant Program, and the Formula Grants for Rural Areas Program, which is one of the federal transit programs. It does not authorize any funding for passenger rail systems. The bill does allow for projects eligible under the Highway Program to receive up to 100 percent federal share for fiscal years 2021 and 2022.

E. Program Structure and Eligibilities

With limited exceptions, the bill extends the existing federal surface transportation policies, programs, and eligibilities for five years. Notably, it creates a pilot program for a limited number of state DOTs to receive their funding in a lump sum as opposed to their funding being divided within the core formula programs of the Highway Program. Certain existing requirements, such as distributing funding to certain geographic areas within a state, remain intact under the pilot program. The bill establishes a funding set-aside for projects to improve existing or build new truck parking facilities within the existing Highway Safety Improvement Program. It does not expand the existing eligibilities for non-highway projects (i.e., multimodal freight projects) to receive federal funding under the Highway Program. It also eliminates a portion of an existing federal transit program that benefited only seven states. Other changes are addressed in the sections that follow.

F. Streamlining the Environmental Review and Permitting Process

Recent surface transportation laws have included provisions to streamline the environmental review and permitting process for highway, bridge, public transit, and passenger rail projects. The bill continues that tradition by incorporating numerous new provisions to help expedite the delivery of these projects. As examples:

- Establishes a two-year timeframe to issue a record of decision after the publication of a notice of intent to prepare an environmental impact statement (EIS);
- Limits an EIS to 150 pages and an environmental assessment to 75 pages;
- Requires federal agencies to only consider the reasonably foreseeable effects with a reasonably close causal relationship to the federal action being considered and may not consider the cumulative effects of the action when determining whether the effects of the action are significant;
- Establishes a process for a federal agency's categorical exclusion to be used by other federal agencies;
- Expands the exemptions from Clean Water Act Section 404 permits to include certain routine maintenance projects; and
- Establishes a pilot program to promote the use of innovative practices in carrying out environmental reviews for transportation projects.

G. Addressing the Transportation Needs of Rural Areas

A focus of Republicans in both the House and the Senate as well as the Trump Administration has been ensuring that federal surface transportation programs address the transportation needs of rural areas. The bill continues this emphasis by retaining existing eligibilities and set asides to address those needs within in the Highway Program and includes a series of changes that further address those needs within federal transit programs and federal research programs. As examples:

- Establishes a Rural Small Starts Program within the Capital Investment Grant Program;
- Increases the federal share for certain projects within the Formula Grants for Rural Areas Program;

- Allows for cooperative agreements that build the technical capacity of rural and tribal recipients of public transit funding;
- Increases the existing set aside for rural areas within the Bus and Bus Facilities Competitive Grant Program; and
- Establishes a set aside for rural areas within the existing Advanced Transportation and Congestion Management Technology Deployment Program.

H. Addressing the Long-term Solvency of the Highway Trust Fund

The Fixing America's Surface Transportation (FAST) Act authorized up to \$20 million per fiscal year for a program to provide grants to states to demonstrate user-based alternative revenue mechanisms to ensure the long-term solvency of the Highway Trust Fund (HTF). Since then, Federal Highway Administration (FHWA) has funded several state and regional pilot programs aimed at developing various systems to collect vehicle miles traveled (VMT) fees as a replacement for the state fuel taxes. The information generated by these pilot programs could then be used at the federal level to potentially replace federal fuel taxes. The bill modifies this existing program to increase the federal share for grants awarded to eligible applicants, establish a funding set aside for planning, preparation, or design of projects; ensure that new grant awards build on the work completed with previous grant awards; and focus on data collection.

The bill also establishes a pilot program to test a national VMT to be administered by the Secretary of Transportation in consultation with the Secretary of the Treasury. An advisory board would also be created to help guide the pilot program. Volunteers (from both passenger and commercial vehicles) would pay a VMT fee that is equivalent to the amount of gas or diesel taxes paid by an average user and receive a refund equal to the amount that they paid federal fuel taxes.

I. Increasing the Resiliency of the Surface Transportation System

Natural disasters and other catastrophic events in recent years have renewed and generated additional interest in improving the resiliency of the surface transportation system among Members of Congress. To that end, the bill includes a number of provisions bolster the ability of the system to withstand future disasters and events. As examples:

- Establishes a new program to provide formula funding to states and competitive grants to eligible entities to improve the resiliency of the system;
- Incorporates eligibility for resiliency projects within certain existing programs;
- Establishes a pre-disaster mitigation pilot program; and
- Increases the federal share for resiliency projects.

J. Incorporating Innovative Technologies

The bill increases the federal share for projects that utilize advanced digital construction management systems and establishes a new research program to help deploy and accelerate the adoption of these systems. Finally, the bill establishes a competitive grant program to facilitate the deployment of connected vehicle technologies.

**Analysis of the INVEST in America Act (as introduced):**

**I. Investment and Policy in Surface Transportation Programs**

- A. Special Treatment for Fiscal Year 2021
- B. Highways
  - i. *Restricts Expanding Highway Capacity in the Highway Program*
  - ii. *Expands and Creates Eligibilities for Non-Highway Projects in the Highway Program*
  - iii. *Creates Structural Changes to the Highway Program*
  - iv. *Establishes New Vehicle Miles Traveled (VMT) Pilot Programs*
- C. Public Transit
- D. Passenger Rail

**II. Construction Workforce and Related Policies**

- A. Workforce Access and Training
- B. Hiring Preferences
- C. Disadvantaged Business Enterprise (DBE) Program
- D. Commercial Truck Driver Hours of Service Rule
- E. Buy America

**III. Environmental Initiatives and Regulations**

- A. Climate Change
- B. Innovative Materials
- C. The Federal Environmental Review and Permitting Process

**IV. Project Delivery and Safety**

- A. Special Experimental Projects
- B. Safety

**V. Technology, Research and Development**

**I. Investment and Policy in Surface Transportation Programs**

- A. Special Treatment for Fiscal Year 2021

In response to the COVID-19 pandemic, the bill includes a relatively “clean” extension of the FAST Act for fiscal year 2021. The extension does not include passenger rail programs. Additionally, funding for that fiscal year is available at up to 100 percent federal share. The bill does modify certain provisions in the FAST Act, such as evaluation criteria for grant applications under the Nationally Significant Freight and Highway Projects Program; and allowing Capital Investment Grant Program projects to receive a higher federal share to address decreases in state and local revenues that would have been dedicated to those projects. The bill also provides approximately \$22 billion to state DOTs, public transit agencies, and other public entities for certain existing eligibilities as well as new eligibilities such as an entity’s salaries and benefits and operating expenses.

- B. Highways

The bill provides \$319 billion for fiscal years 2022 through 2025 for the Highway Program. Of that amount, approximately \$294 billion is provided for the formula programs. The remaining amount is provided for the administrative expenses of the FHWA, allocated programs (e.g., Tribal Transportation Program), competitive grants programs, and research programs. While the funding amount is significant, the bill seeks to fundamentally transform the Highway Program through a series of policy and programmatic changes, which are discussed in this section and the other sections that follow.

i. *Restricts Expanding Highway Capacity in the Highway Program*

The bill predominately focuses on a “fix-it-first” approach for the surface transportation system, seeking to bring it into a state of good repair. As a result, the bill places restrictions on or excludes eligibilities for expanding the capacity of highways. For example, the bill:

- Places restrictions on when a state can build additional highway capacity under the National Highway Performance Program (NHPP). Under current law, the NHPP is a core formula program within the Highway Program that focuses on reconstructing and adding additional capacity to segments, bridges, and tunnel on the National Highway System, which includes the Interstate System;
- Requires state DOTs to set targets for new performance measures related to reducing greenhouse gas emissions and improving transportation system access;
- Limits state DOTs ability to transfer funding within the Highway Program; and
- Refines existing and imposes new restrictions on how state DOTs can use their funding should they fail to achieve certain outcomes.

ii. *Expands and Creates Eligibilities for Non-Highway Projects in the Highway Program*

Under current law, there are eligibilities for public transit projects and multimodal freight projects within the Highway Program. The bill would significantly increase those eligibilities under current and new programs and create new eligibilities for intercity passenger rail (e.g., Amtrak) projects. As examples:

- The FAST Act created the Nationally Significant Freight and Highway Projects Program known as INFRA, which is a competitive grant program focused on funding nationally and regionally significant projects. The bill completely revamps this program and notably, makes public transit projects and intercity passenger rail transportation projects eligible for a grant;
- The bill also provides opportunities to fund intercity passenger rail projects within the Highway Program.
- Currently, the Highway Program provides limited eligibility for operating expenses. The bill, however, expands the existing eligibility and creates additional eligibilities for operating expenses of public transit systems and passenger rail systems. The new Carbon Pollution Program, which seeks to reduce greenhouse gas emissions from the surface transportation, would allow a state DOT to spend up to 10 percent of its annual funding on the operation expenses of an eligible public transit system and intercity passenger rail project; and
- Under current law, a state DOT could spend up to 10 percent of its annual funding for the National Highway Freight Program on certain multimodal projects. Under the bill, this 10 percent cap is eliminated, but requires that the funding only go to those elements that provide public benefits.

iii. *Creates Structural Changes to the Highway Program*

Previous federal surface transportation laws sought to consolidate existing federal surface transportation programs and limit the establishment of new programs in order to provide state DOTs with additional flexibility to address their unique needs.

This bill breaks with that recent practice and creates several new formula programs and competitive grants programs. These programs are focused on addressing various policy priorities, including building more resilient infrastructure, reducing greenhouse gas emissions, and providing electric vehicle charging and hydrogen fueling infrastructure. Some of these programs will be discussed in greater detail in the other sections that follow.

iv. *Expands Vehicle Miles Traveled (VMT) Pilot Programs*

This bill modifies the existing FAST Act program to test user-fee based alternative revenue mechanisms by adding additional reporting requirements for FHWA, expanding the scope of the programs to test “solutions to ensure the privacy and security of data collected,” allowing the funding to be used for implementation of VMTs (i.e., not just testing), and increasing the federal share for pilot projects from 50 percent to 80 percent.

Additionally, the bill creates a nationwide pilot program to “demonstrate a national motor vehicle per-mile user fee to restore and maintain the long-term solvency of the Highway Trust Fund.” The program would charge volunteers (from both commercial and passenger vehicles) a VMT fee that is equivalent to the amount of gas or diesel taxes paid by an average user, and then issue them a quarterly refund of any gas or diesel taxes paid.

C. Public Transit

The bill provides \$105 billion for fiscal years 2022 through 2025 for federal transit programs. Of that amount, approximately \$73 billion is provided for the transit formula programs. The remaining amounts are provided for the administrative expenses of the Federal Transit Administration (FTA), competitive grant programs, and research programs.

Unlike the Highway Program, the bill does not seek to fundamentally transform federal transit programs. Instead, the bill significantly increases funding, makes more surgical policy and programmatic changes, and establishes a few new programs. As examples, the bill:

- Modifies the approval process for public transit capital project seeking grant under Capital Investment Grant Program to reduce the burden on eligible entities;
- Refocuses the competitive grant component of the existing Buses and Bus Facilities Program on bus facilities and fleet expansion projects;
- Strengthens the Buy America projects for public transit projects by closing loopholes and incentivizing the use of increased domestic content among other provisions. The bill establishes a competitive grant program to increase the frequency and ridership of public transit buses; and
- Includes provisions to address the issues facing frontline transit workers, focus on transit-supportive communities, increase the resiliency of the public transit systems, and support all users of public transit.

D. Passenger Rail

The bill provides \$60 billion for fiscal years 2021 through 2025 to improve the passenger rail system, subject to the availability of appropriations. None of the funding for these programs is derived from the Highway Trust Fund. However, recall that the bill makes intercity passenger rail projects eligible under the Highway Program. Of that amount, approximately \$30 billion is provided to Amtrak, which is then further divided between the Northeast Corridor and the National Network. The remaining amount is provided to existing and new grant programs, research programs and studies, the Federal Railroad Administration for operating and safety activities, and the Office of the Inspector General. The bill establishes a new competitive grant program to improve the state of good repair, operational performance, and growth of intercity passenger rail. It authorizes approximately \$20 billion for fiscal years 2021 through 2025 for this program.

## II. Construction Workforce Initiatives and Related Policies

### A. Workforce Access and Training

The bill tasks the USDOT and state DOTs with several new requirements and obligations to address workforce and training issues in the surface transportation industry, including:

- Increasing access to jobs in the sector for women and minorities; and
- Establishing a *Task Force on Developing a 21<sup>st</sup> Century Surface Transportation Workforce* that seeks to bring industry, labor, and government together to evaluate current and future workforce needs and further develop educational pathways for students to pursue careers in the industry.

### B. Hiring Preferences

The bill reinstates a pilot program to allow recipients of funding to utilize social and/or economic contracting requirements in order to evaluate the impacts to the competitive bidding process. The pilot program will focus on local or other geographic labor hiring preferences, economic-based labor hiring preferences (i.e., low-income workers) and labor hiring preferences for veterans.

### C. Disadvantaged Business Enterprises

The bill makes no changes to the existing Disadvantaged Business Enterprise Program.

### D. Commercial Truck Driver Hours of Service Rule

In May 2020, the Federal Motor Carrier Safety Administration (FMCSA) released the final hours of service rule to improve the safety of the nation's roads and increase flexibility for truck drivers. The final rule makes changes to the four provisions: the short-haul exemption; adverse driving conditions; the 30-minute break; and split-sleeper berth. The final rule is set to take effect at the end of September 2020. However, the bill would delay the effective date until 60 days after the Secretary of Transportation submits to Congress the results of a comprehensive review of federal hours of service rules. Among other things, the comprehensive review will include a safety impact analysis and a driver impact analysis.

### E. Buy America

The bill requires the USDOT to make a determination on a request for a waiver from Buy America requirements within 120 days of receipt when such a request seeks the waiver because: (1) it is in the public interest; or (2) such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality transparent public process before waiving Buy America requirements. The USDOT must provide public notice of, seek public comments on, and respond to those comments in a detailed justification on the agency action taken on the request for a waiver. The USDOT would also have to reevaluate any standing nationwide waivers every five years, including the manufactured products waiver, to determine whether those waivers remain necessary. For construction contractors this process could impede reasonable requests for waivers during a time when such waivers are rarely granted.

### III. Environmental Initiatives & Regulations

#### A. Climate Change

As previously discussed, the bill tracks closely with the principles and funding levels included in the Framework. One of the principles is mitigating the impacts of climate change, including addressing carbon pollution from the surface transportation system. The bill includes a significant number of funding, policy, and programmatic changes to achieve this principle some of which have been previously discussed in this analysis. Examples of this include:

- Authorizing record levels of investment for public transit and passenger rail systems not only through new and existing federal transit and passenger rail programs, but also by incorporating and expanding eligibilities for such projects within the Highway Program;
- Providing increased eligibilities to fund the operational expenses of public transit and passenger rail systems, including within programs that receive funding from the HTF. These eligibilities are provided in part to further address the impacts of climate change;
- Increasing funding for bike and pedestrian projects through new and existing programs;
- Limiting the ability for state DOTs to carry out highway capacity projects under the NHPP and fails to make such projects or other projects that may increase the number of single occupancy vehicles eligible under certain new programs;
- Establishing a greenhouse gas performance measure and requires states to set targets for that performance measure. States are prohibited from setting regressive targets;
- Funding for the installation of electric vehicle and hydrogen charging infrastructure to facilitate more acceptance and use of these vehicles; and
- Incorporating eligibilities for projects that improve the resiliency of or reduce the greenhouse gas emissions of the surface transportation system into existing programs and establishes new programs solely focused on improving the resiliency of or reducing the greenhouse gas emissions of the system.

The bill weaves climate change and resiliency through the national goals for surface transportation programs as appropriate and incorporates climate change and resiliency into the planning requirements for state DOTs and metropolitan planning organizations. This will create a lasting impact on how these entities identify and select projects to receive federal funding in the future; and will similarly impact how contractors bid and deliver such projects.

#### B. Innovative Materials

The bill includes provisions to research and encourage the use of innovative materials, especially those materials that facilitate a reduction or sequestration of greenhouse gas emissions. Within the Highway Program, projects that utilize an innovative material are eligible for a higher federal funding share, thereby incentivizing their use by state DOTs in contract specifications. There are no contractor installation protections for the failure of innovative materials to perform as advertised. Additional provisions are discussed in the analysis on federal research programs below.

#### C. The Environmental Review and Permitting Process

This bill does not include any significant provisions to streamline the environmental review and permitting process. The bill does codify the FHWA's existing Every Days Counts (EDC) Initiative through which FHWA and other public and private partners identify and deploy innovative practices and products that expedite project delivery process, improve environmental sustainability, and enhance roadway safety, among other items. The bill requires FTA to establish its own EDC initiative.

## IV. Project Delivery & Safety

### A. Special Experimental Projects

Under current law, FHWA has the authority to undertake special experimental projects (SEP). FHWA has utilized this authority to evaluate methods for expediting projects delivery and non-traditional contracting practices as well as delegate certain federal programmatic responsibilities to state DOTs. The bill requires FHWA to allow public notice and comment on a letter of interest that seeks to undertake a SEP and requires FHWA to provide Congress with a report on the SEPs that were carried out as well as any legislative recommendations based on the findings of those SEPs. While this requirement will provide more transparency for SEPs, it may also slow down the use of these authorities, which have generally helped improve the efficient and effective use of federal funding.

### B. Safety

As with previous surface transportation laws, improving the safety of the surface transportation system is a central principle for this bill. The bill increases funding for existing highway safety programs administered by FHWA and the National Highway Traffic Safety Administration. The bill includes new provisions to address roadway safety issues in both urban and rural areas. Some of these measures seek to alter the project design and planning process to ensure roadways are safer and more accommodating to all potential users.

New safety provisions in this bill include:

- Increasing the existing High-Risk Rural Roads special rule to direct more funding for safety projects in rural communities;
- Adopting “[context sensitive design principles](#)” that seek to incorporate the accommodation of all roadway users and their safety in the planning, design, and development of new facilities. This is more commonly known as developing “[complete streets](#),”
- Providing more design flexibility to local governments;
- Allowing states to use Surface Transportation Workforce Development, Training, and Education funding for work zone safety training and certification that includes construction workers;
- Creating a vulnerable road user safety special rule, requiring states with high rates of cyclist and pedestrian fatalities to use their funding to address safety hot spots in the specific areas of the state in which large numbers of fatalities occur;
- Allows a state to use up to 10 percent of certain funding for non-infrastructure related safety projects and research; and
- Requiring coordinated bicycle and pedestrian safety planning and ensures that states with the highest pedestrian and bicycle fatalities take steps to address those risks.

## V. Technology, Research, and Development

The bill creates new and modifies existing transportation research and development programs. The research programs are funded out of the HTF and the bill increases the annual funding spending level from \$420 million to \$545 million.

A primary focus of the bill is to add, as a point of emphasis for many USDOT research programs, research into ways to mitigate greenhouse gas emissions. For example, under current law, the primary purposes of USDOT's strategic research and development plan are:

- Improving mobility of people and goods;
- Reducing congestion;
- Promoting safety;
- Improving the durability and extending the life of transportation infrastructure
- Preserving the environment; and
- Preserving the existing transportation system.

This bill would amend these purposes by adding two new sections on “reducing greenhouse gas emissions,” and “developing and maintaining a diverse workforce in transportation sectors.” By formally adding a focus of “reducing greenhouse gas emissions” in this and many other research programs, it is concerning that this may come at the expense of research and development on programs to increase mobility or promote safety. Additionally, it is an open question as to whether the USDOT is the agency best equipped to deal with research into reducing greenhouse gas emissions.

Some other notable provisions in the bill include:

- Materials to Reduce Greenhouse Gas Emissions Program. The bill would create a new research program at USDOT to “award grants to eligible entities to research and support the development of materials that will reduce or sequester the amount of greenhouse gas emissions generated during the production of highway materials and the construction of highways.” AGC has expressed concerns about the use of “innovative materials” and whether contractors have any potential product performance liability when installing novel construction materials over the lifecycle of the assets.
- Study on Safe Interactions Between Automated Vehicles and Road Users. The bill would fund a study “on the ability of automated vehicles to safely interact with other road users,” which would include workers in roadside construction zones. A working group to assist in the development of the study would be established, which would notably include a representative from the “road construction industry.” Ultimately, this provision would provide additional research into the interaction between automated vehicles and workers at construction sites, and, potentially, ways to mitigate any risks to construction workers from automated vehicles.