AMENDMENT TO H.R. 7

OFFERED BY MR. MICA OF FLORIDA

Page 55, line 25, strike "; and" and insert a period.

Page 56, line 1, strike "(3) in paragraph (5)(A)" and insert "(3) APPLICABILITY OF CERTAIN REQUIREMENTS TO THIRD PARTY SELLERS.—Section 133(d)(5)(A) is amended".

Page 60, line 23, strike the closing quotation marks and the final period.

Page 60, after line 23, insert the following:

"(C) ELECTRIC VEHICLE INFRASTRUCTURE.—A State may obligate funds apportioned under section 104(b)(2) or 104(b)(3) for a project or program to establish or support the establishment of electric vehicle battery charging or changing facilities at any location in the State. Such projects or programs may be carried out by a State or local agency or through a public-private partnership.

Page 92, line 5, before the period insert "subject to the provision of future budget authority".

Page 92, line 15, after "instrument" insert ", subject to the provision of future budget authority,".

Page 94, after line 3, insert the following:

(6) RURAL INFRASTRUCTURE PROJECT.—Section 601(a) (as amended by paragraph (2)(A) of this subsection) is further amended—

(A) by redesignating paragraphs (12) through (15) as paragraphs (13) through (16), respectively; and

(B) by inserting after paragraph (11) the following:

"(12) RURAL INFRASTRUCTURE PROJECT.—The term 'rural infrastructure project' means a surface transportation infrastructure project located in any area other than an urbanized area that has a population of greater than 250,000 inhabitants.".

(7) CONTINGENT COMMITMENT.—Section 601(a) is further amended by adding at the end the following:

"(17) CONTINGENT COMMITMENT.—The term 'contingent commitment' means a commitment to obligate an amount from future available budget authority but is not an obligation of the Federal Government.".

Page 97, line 23, strike "and" at the end.

Page 97, after line 23, insert the following (and redesignate subsequent clauses accordingly):

"(iii) in the case of a rural infrastructure project, shall be reasonably anticipated to equal or exceed $25,000,000; and

Page 165, after line 19, insert the following:

"(6) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—To the extent that the Secretary is otherwise required to redistribute unused obligation authority appropriated for purposes other than section 202, a minimum of 10 percent of such unused obligation authority shall be allocated and distributed by the Secretary to entities eligible to receive funds under such section for purposes of funding competitively awarded high priority projects ensuring greater safe access to markets for American Indian and Alaska Native communities which are, relative to other American Indian and Alaska Native communities, more remotely located from product and essential service markets.

Page 169, line 16, insert "(which may include electric vehicle charging stations)" after "to tribal roads".

Page 171, line 13, strike "6" and insert "5".

Page 175, strike lines 3 through 17 and insert the following:

"(2) NATIONAL TRIBAL TRANSPORTATION FACILITY INVENTORY.—

"(A) IN GENERAL.—The Secretary of the Interior, in cooperation with the Secretary, shall maintain a comprehensive national inventory of tribal transportation facilities that are eligible for assistance under the tribal transportation program. The Secretary of the Interior, in cooperation with the Secretary, by September 30, 2012, and by September 30 of every second year thereafter, shall accept into the comprehensive national inventory those tribal transportation facilities proposed by Indian tribes under the regulations.

"(B) TRANSPORTATION FACILITIES INCLUDED IN THE INVENTORY.—For purposes of identifying the tribal transportation system and determining the relative transportation needs among Indian tribes, the Secretary shall include, at a minimum, transportation facilities that are eligible for assistance under the tribal

transportation program that a tribe has requested, including facilities that—

Page 177, after line 8, insert the following:

"(E) BRIDGES.—All bridges in the inventory shall be recorded in the national bridge inventory administered by the Secretary under section 151.

Page 177, strike lines 15 through 23 and insert the following:

"(4) BASIS FOR FUNDING FORMULA FACTORS.—

"(A) IN GENERAL.—The funding formula established under this paragraph shall be based on factors that reflect—

Page 178, line 3, insert "and" after the semicolon.

Page 178, line 11, strike "; and" and insert a period.

Page 178, strike line 12 and all that follows through line 9 on page 179 and insert the following:

"(B) TRIBAL HIGH PRIORITY PROJECTS.—The tribal high priority projects program as included in the tribal transportation allocation

methodology of part 170 of title 25, Code of Federal Regulations (as in effect on the date of enactment of the American Energy and Infrastructure Jobs Act of 2012), shall continue in effect.

Page 179, line 14, insert "the Secretary or" after "available to".

Page 182, line 11, insert "the Department of Transportation or" after "at which".

Page 184, line 4, insert "in accordance with and governed by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)" after "tribal government".

Page 186, line 2, insert "the Secretary or" after "that".

Page 186, line 12, insert "the Secretary or" after "that".

Page 187, line 20, strike "up to 2 percent" and insert "the greater of 2 percent or $35,000".

Page 189, line 9, insert "(which may include electric vehicle charging stations)" after "Federal lands highways".

Page 218, after line 5, insert the following:

(c) ELECTRIC VEHICLE INFRASTRUCTURE.—A State may establish electric vehicle charging stations for the use of battery powered trucks or other motor vehicles at any parking facility funded or authorized under this Act or title 23, United States Code. Such charging stations shall be eligible for the same funds as are available for the parking facilities in which they are located.

Page 221, after line 15, insert the following (and conform the table of contents accordingly):

SEC. 1719. MISCELLANEOUS PARKING AMENDMENTS.

(a) FRINGE AND CORRIDOR PARKING FACILITIES.—Section 137(a) is amended by adding at the end the following: "The addition of electric vehicle charging stations to new or previously funded parking facilities shall be eligible for funding under this section.".

(b) PUBLIC TRANSPORTATION.—Section 142(a)(1) is amended by inserting "(which may include electric vehicle charging stations)" after "parking facilities".

(c) FOREST DEVELOPMENT ROADS AND TRAILS.—Section 205(d) is amended by inserting "(may include electric vehicle charging stations)" after "parking areas".

(d) PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS.—Section 214(b) is amended by inserting "(may

include electric vehicle charging stations)" after "parking areas".

Page 231, after line9, insert the following:

"(6) COMMITMENT OF NON-NEW START FUNDS FOR CERTAIN LARGE PROJECTS.—Notwithstanding any other provision of law, in the case of a multi-state project in which the amount of funding for the net project cost that is not made available under this section exceeds $1,000,000,000 and a portion of such funding share is derived from Federal Highway Administration apportionments to a State, the Secretary shall make a determination for a new start project under paragraph (2)(C) only if a public referendum has been held to approve the financing mechanism for such share of funding. The public referendum shall include jurisdictions responsible for providing such share of funding only where the jurisdiction does not have an existing fixed guideway public transportation system.".

Page 222, line 24, strike "and".

Page 223, line 5, strike the period at the end insert "; and".

Page 223, after line 9, insert the following (and redesignate subsequent subsections accordingly):

(a) GRANTS.—Section 5307(b)(1) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) operating costs of equipment and facilities for use in public transportation in an urbanized area with a population of at least 200,000 if the State or regional authority providing public transportation for the urbanized area is operating—

"(i) 75 buses or fewer in fixed-route service during peak service hours, not to exceed 50 percent of the net project cost of the project for operating expenses; and

"(ii) more than 75 but fewer than 100 buses in fixed-route service during peak service hours, not to exceed 25 percent of the net project cost of the project for operating expenses; and".

Page 223, after line 5, insert the following:

(4) in subsection (g) by striking "section 5338(c)" and inserting "section 5338(a)(2)".

Page 228, line 5, strike "and subject to paragraph (6)".

Page 272, strike line 17 and all that follows through line 3 on page 273 and insert the following.

"(f) GRANT REQUIREMENTS.—With respect to a grant made to provide services described in subsection (c), the Secretary shall apply grant requirements that are consistent with requirements for activities authorized under sections 5310, 5316, and 5317 (as such sections were in effect on the day before the date of enactment of the Public Transportation Act of 2012).

Page 279, line 9, after "contract" insert "or cooperative agreement".

Page 279, line 20 after "contract" insert "or cooperative agreement".

Page 280, line 3, after "contract" insert "or cooperative agreement".

Page 296, after line 13, insert the following:

(c) CONFORMING AMENDMENT.—Section 5336(d)(1) is amended by striking "subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338" and inserting "section 5338(a)(2)(B)".

Page 303, after line 11, insert the following:

(b) CONFORMING AMENDMENT.—Section 5333(b)(1) is amended by striking "5338(b)" and inserting "section 5338(a)" each place it appears.

Page 311, strike line 21 and all that follows through line 2 on page 313 and insert the following:

SEC. 3004. EXEMPTION IN EMERGENCIES.

If any road, highway, or bridge is in operation or under construction when damaged by an emergency declared by the Governor of the State and concurred in by the Secretary, or declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), and is reconstructed in the same location with the same capacity, dimensions, and design as before the emergency, then that reconstruction project shall be exempt from any further environmental reviews, approvals, licensing, and permit requirements under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(4) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(5) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(6) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(7) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(8) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetlands); and

(9) any Federal law (including regulations) requiring no net loss of wetlands.

Page 583, line 5, strike "Not later" and all that follows through "the Secretary shall" on line 7 and insert "The Secretary may".

Page 583, at the end of line 18, add the following: "Such standards are technically feasible if the equipment can be certified by the original equipment manufacturer as meeting requisite performance requirements and if the equipment is readily attachable subsequent to initial manufacture by the operator and enforced through readily visible inspection requiring no disassembly.".

Page 619, lines 10 and 11, strike "provides real-time tracking of vehicle location" and insert "is capable of recognizing when the vehicle is being operated".

Page 619, after line 14, insert the following (and re-designate subsequent subparagraphs accordingly):

(C) automatically creates a record of all changes in duty status necessary to determine compliance with part 395 of title 49, Code of Federal Regulations;

Page 620, line 25, strike "and" at the end.

Page 621, strike lines 1 through 3 and insert the following:

(C) establish a standard security level for electronic logging devices to be tamperproof; and

(D) establish rules necessary to ensure that electronic logging devices will not be used to harass a vehicle operator.

Page 622, line 2, strike "and" at the end.

Page 622, line 6, strike the period at the end and insert a semicolon.

Page 622, after line 6, insert the following:

(4) include such measures as are necessary to ensure that any information collected by the electronic logging device is used by enforcement personnel only for the purpose of determining compliance with hours-of-service requirements and is stored no longer than necessary under the rules; and

(5) include such measures as are necessary to prohibit public access to data collected by electronic logging devices.

Page 623, line 6, strike "and" at the end and all that follows before the period on line 9.

Page 623, after line 9, insert the following:

(3) TAMPERPROOF.—The term "tamperproof" means to not allow any individual to cause an electronic device to record the incorrect duty status of a commercial motor vehicle operator under part 395 of title 49, Code of Federal Regulations, or to subsequently alter the record created by that device.

Page 762, strike line 19 and all that follows through line 25 on page 763 and insert the following:

"§ 22911. Exemption in emergencies

"If any railroad, track, bridge, or other facility is in operation or under construction when damaged by an emergency declared by the Governor of the State and con-

curred in by the Secretary, or declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), is proposed to be reconstructed with Federal funds, and is reconstructed in the same location with the same capacity, dimensions, and design as before the emergency, then that reconstruction project shall be exempt from any further environmental reviews, approvals, licensing, and permit requirements under—

"(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(2) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

"(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

"(4) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

"(5) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

"(6) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

"(7) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

"(8) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetlands); and

"(9) any Federal law (including regulations) requiring no net loss of wetlands.".

Page 765, line 2, strike "26101(6)" and insert "26105(2)".

Page 766, line 19, strike "26101" and insert "26105".

Page 769, line 1, strike "20157(a)" and insert "20157(i)".

Page 791, line 14, insert "or a special permit" after "approval".

Page 823, after line 3, add the following (and conform the table of contents accordingly):

SEC. 10002. STUDY AND REPORT ON STRATEGIC PORTS.

(a) STUDY REQUIREMENT.—The Secretary shall conduct a study on infrastructure facility requirements, road and highway improvements, rail connections, and other multimodal transportation capacity requirements necessary to achieve the following goals with respect to strategic ports:

(1) Provide greater access to port facilities.

(2) Reduce congestion.

(3) Improve the movement of goods.

(4) Increase productivity.

(5) Enhance maritime security.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under subsection (a), with such recommendations as the Secretary considers necessary to achieve the goals listed in that subsection.

(c) STRATEGIC PORT DEFINED.—In this section, the term "strategic port" means a United States port designated by the Secretary and the Secretary of Defense as a significant transportation hub important to the readiness and cargo throughput capacity of the Department of Defense.