

119TH CONGRESS
1ST SESSION

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To reauthorize and improve the reconnecting communities program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. BLUNT ROCHESTER (for herself, Mr. MERKLEY, and Mr. WARNOCK) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To reauthorize and improve the reconnecting communities program, 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 “Restoring Essential
5 Public Access and Improving Resilient Infrastructure
6 Act” or the “REPAIR Infrastructure Act”.

7 **SEC. 2. RESTORING ESSENTIAL PUBLIC ACCESS AND IM-**
8 **PROVING RESILIENT INFRASTRUCTURE (RE-**
9 **PAIR INFRASTRUCTURE) PROGRAM.**

10 (a) REAUTHORIZATION.—

11 (B) \$2,250,000,000 shall be for capital
12 construction grants under subsection (d) of that
13 section.

14 (2) TREATMENT.—Amounts made available
15 under paragraph (1) shall be—

21 (B) administered as if—

22 (i) apportioned under chapter 1 of
23 title 23, United States Code; or

24 (ii) allocated under chapter 2 of title
25 23, United States Code, in the case of

1 amounts made available to a Tribal gov-
2 ernment.

7 (A) in the section heading, by striking
8 “**RECONNECTING COMMUNITIES PILOT**”
9 and inserting “**RESTORING ESSENTIAL PUB-
10 LIC ACCESS AND IMPROVING RESILIENT
11 INFRASTRUCTURE (REPAIR INFRASTRUC-
12 TURE) PROGRAM**”;

13 (B) in subsection (b), in the matter pre-
14 ceding paragraph (1), by striking “pilot”; and

15 (C) in subsection (f), by striking “the pe-
16 riod of fiscal years 2022 through 2026” and in-
17 serting “the period of fiscal years 2027 through
18 2031”.

“Sec. 11509. Restoring essential public access and improving resilient infrastructure (REPAIR infrastructure) program.”.

1 (b) SELECTION CRITERIA.—Section 11509 of the In-
2 frastructure Investment and Jobs Act (23 U.S.C. 101
3 note; Public Law 117–58) is amended—

4 (1) in subsection (c)(4)(B)—

5 (A) in the matter preceding clause (i), by
6 striking “the demonstration by the applicant
7 that”;

8 (B) in clause (i), by inserting “the dem-
9 onstration by the applicant that” before “the el-
10 igible facility”;

11 (C) in clause (ii)—

12 (i) in the matter preceding subclause
13 (I), by inserting “the demonstration by the
14 applicant that” before “the eligible facil-
15 ity”; and

16 (ii) in subclause (II), by striking
17 “and” at the end;

18 (D) in clause (iii)—

19 (i) by inserting “the demonstration by
20 the applicant that” before “on the basis”;
21 and

22 (ii) by striking the period at the end
23 and inserting a semicolon; and

24 (E) by adding at the end the following:

1 “(iv) if information is available, the
2 extent to which the project will promote—
3 “(I) new or improved affordable
4 transportation options to increase safe
5 mobility and connectivity for all, in-
6 cluding for people with disabilities, to
7 promote access to economic activity
8 centers, including workforce housing,
9 jobs, healthcare, grocery stores,
10 schools, places of worship, recreation,
11 childcare, natural infrastructure, and
12 parks;

13 “(II) safe accommodation for all
14 users and seamless integration with
15 the surrounding character, context,
16 and land use, with consideration of
17 the economy and public health; or
18 “(III) economically thriving com-
19 munities for individuals to work, live,
20 and play by creating transportation
21 choices for individuals to move freely
22 and have meaningful access to oppor-
23 tunities;

1 “(v) if information is available, the ex-
2 tent to which the application dem-
3 onstrates—

4 “(I) a robust community partici-
5 pation plan that engages community
6 members most impacted by the exist-
7 ing facility;

8 “(II) formal partnerships, backed
9 by signed commitment letters and a
10 budget, with organizations based in
11 communities adjacent to the project
12 area, including community-based or-
13 ganizations and community develop-
14 ment financial institutions;

15 “(III) an approach that meaning-
16 fully redresses historic economic and
17 physical barriers and benefits under-
18 served communities; or

19 “(IV) a representative commu-
20 nity advisory group, advisory board,
21 or other place-based management or-
22 ganization with oversight authority,
23 including a community land trust,
24 community benefit agreement, or
25 other community development activity

1 to redress transportation-related gaps
2 in access; and

3 “(vi) if information is available, the
4 extent to which the applicant dem-
5 onstrates—

6 “(I) creative placemaking; or

7 “(II) community restoration, sta-
8 bilization, and mechanisms to preserve
9 affordability, limit disruption of low-
10 income communities, and prevent dis-
11 placement of existing residents, such
12 as—

13 “(aa) assistance for renters
14 and legacy homeowners and small
15 businesses;

16 “(bb) preservation, rehabili-
17 tation, and expansion of location-
18 efficient affordable housing;

19 “(cc) mixed-income mixed
20 use development;

21 “(dd) affordable commercial
22 spaces; and

23 “(ee) other community
24 wealth-building activities.”; and

25 (2) in subsection (d)(4)—

5 “(4) SELECTION CRITERIA.—

6 “(A) SOLICITATION.—The Secretary shall
7 solicit applications for capital construction
8 grants.

9 “(B) CRITERIA.—The Secretary shall
10 evaluate applications received under subparagraph
11 graph (A) on the basis of—”;

12 (B) in subparagraph (B)—

13 (i) in clause (vii), by striking “; and”
14 at the end and inserting “and a description
15 of how those feasibility studies provide a
16 basis for better access to daily destina-
17 tions;”;

18 (ii) in clause (viii)(II), by striking the
19 period at the end and inserting a semi-
20 colon; and

21 (iii) by adding at the end the fol-
22 lowing:

1 detailed description of all funding commit-
2 ments, financing, and in-kind support;

3 “(x) the extent to which the project
4 will encourage public and private invest-
5 ments to support greater commercial and
6 mixed-income residential development near
7 public transportation, along rural main
8 streets, or in walkable neighborhoods;

9 “(xi) the extent to which the project
10 will promote—

11 “(I) new or improved affordable
12 transportation options to increase safe
13 mobility and connectivity for all, in-
14 cluding for people with disabilities, to
15 promote access to economic activity
16 centers, including workforce housing,
17 jobs, healthcare, grocery stores,
18 schools, places of worship, recreation,
19 childcare, natural infrastructure, and
20 parks;

21 “(II) safe accommodation for all
22 users and seamless integration with
23 the surrounding character, context,
24 and land use, with consideration of
25 the economy and public health; or

1 or other place-based management or-
2 ganization with oversight authority,
3 including a community land trust,
4 community benefit agreement, or
5 other community development activity
6 to redress transportation-related gaps
7 in access; and

10 “(I) creative placemaking; or

5 (C) by adding at the end the following:

6 “(C) ADDITIONAL INFORMATION.—An ap-
7 plicant may include in an application under
8 subparagraph (A) information about land use
9 policies that reduce regional displacement pres-
10 sures in the area in which the project is located,
11 including measurements of, of the land that
12 permits residential use—

“(iv) the percentage that has no minimum parking requirements.”.

22 (c) TRAVEL LANES.—Section 11509 of the Infra-
23 structure Investment and Jobs Act (23 U.S.C. 101 note;
24 Public Law 117-58) is amended—

1 (1) by redesignating subsections (e) through (g)
2 as subsections (f) through (h), respectively; and

3 (2) by inserting after subsection (d) the fol-
4 lowing:

5 “(e) TRAVEL LANES.—Amounts from a grant under
6 this section may not be used for a project that increases
7 the number of travel lanes on an existing highway.”.

8 SEC. 3. ELIGIBILITY FOR REPAIR INFRASTRUCTURE PRO-
9 GRAM PROJECTS.

10 (a) NATIONAL HIGHWAY PERFORMANCE PRO-
11 GRAM.—Section 119(d)(2) of title 23, United States Code,
12 is amended by adding at the end the following:

13 “(T) Construction of a project eligible for
14 assistance under the REPAIR infrastructure
15 program under section 11509 of the Infrastructure
16 Investment and Jobs Act (23 U.S.C. 101
17 note; Public Law 117–58).”.

18 (b) SURFACE TRANSPORTATION BLOCK GRANT PRO-
19 GRAM.—Section 133 of title 23, United States Code, is
20 amended—

21 (1) in subsection (b), by inserting after para-
22 graph (3) the following:

23 “(4) Projects eligible for assistance under the
24 REPAIR infrastructure program under section
25 11509 of the Infrastructure Investment and Jobs

1 Act (23 U.S.C. 101 note; Public Law 117–58).”;

2 and

3 (2) in subsection (c)(2), by striking “(5)” and
4 inserting “(4)”.

5 (c) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—

6 Section 148 of title 23, United States Code, is amended—

7 (1) in subsection (a)—

8 (A) by redesignating paragraphs (1) through (16) as paragraphs (2) through (17),
9 respectively;

10 (B) by inserting before paragraph (2) (as so redesignated) the following:

11 “(1) DIVISIVE ROADWAY INFRASTRUCTURE.—

12 “(A) IN GENERAL.—The term ‘divisive
13 roadway infrastructure’ means a highway or
14 other transportation facility that creates a bar-
15 rier to community connectivity, including bar-
16 riers to mobility, access, or economic develop-
17 ment, due to high speeds, grade separations, or
18 other design factors.

19 “(B) INCLUSIONS.—The term ‘divisive
20 roadway infrastructure’ includes—

21 “(i) a limited access highway;

22 “(ii) a viaduct; and

1 “(iii) any other principal arterial facil-
2 ity.”; and

3 (C) in subparagraph (B) of paragraph (5)
4 (as so redesignated)—

5 (i) by redesignating clause (xxix) as
6 clause (xxx);

7 (ii) by inserting after clause (xxviii)
8 the following:

9 “(xxix) A project eligible for assist-
10 ance under the REPAIR infrastructure
11 program under section 11509 of the Infra-
12 structure Investment and Jobs Act (23
13 U.S.C. 101 note; Public Law 117-58).”;
14 and

15 (iii) in clause (xxx) (as so redesign-
16 ated), by striking “(xxviii)” and inserting
17 “(xxix)”;

18 (2) in subsection (c)—

19 (A) in paragraph (1)(A), by striking “sub-
20 sections (a)(13)” and inserting “subsections
21 (a)(14)”; and

22 (B) in paragraph (2)(A)—

23 (i) in clause (v), by striking “and” at
24 the end;

1 (ii) in clause (vi), by adding “and”
2 after the semicolon at the end; and

3 (iii) by adding at the end the fol-
4 lowing:

7 (3) in subsection (d)(2)(B)(i), by striking “sub-
8 section (a)(13)” and inserting “subsection (a)(14)”

9 (d) CONGESTION MITIGATION AND AIR QUALITY IM-

10 PROVEMENT PROGRAM.—Section 149(b) of title 23,
11 United States Code, is amended—

12 (1) in paragraph (10)(B), by striking "or" at
13 the end:

14 (2) in paragraph (11)(B), by striking the period
15 at the end and inserting “: or”; and

16 (3) by adding at the end the following:

17 “(12) if the project is a project eligible for as-
18 sistance under the REPAIR infrastructure program
19 under section 11509 of the Infrastructure Invest-
20 ment and Jobs Act (23 U.S.C. 101 note; Public Law
21 117-58).”.

22 (e) TERRITORIAL HIGHWAY PROGRAM.—Section
23 165(c)(6)(A) of title 23, United States Code, is amended
24 by adding at the end the following:

6 (f) NATIONAL HIGHWAY FREIGHT PROGRAM.—Section 167(h)(5)(C) of title 23, United States Code, is
7 amended—
8

9 (1) by redesignating clauses (xxii) and (xxiii) as
10 clauses (xxiii) and (xxiv), respectively:

11 (2) by inserting after clause (xxi) the following:

12 “(xxii) A project eligible for assistance

13 under the REPAIR infrastructure program

14 under section 11509 of the Infrastructure

15 Investment and Jobs Act (23 U.S.C. 101

16 note; Public Law 117-58).”; and

17 (3) in clause (xxiii) (as so redesignated), by
18 striking “(xxi)” and inserting “(xxii)”.

19 (g) RURAL SURFACE TRANSPORTATION GRANT PRO-
20 GRAM.—Section 173(e)(1) of title 23, United States Code,
21 is amended—

22 (1) in subparagraph (F), by striking "or" at
23 the end;

24 (2) in subparagraph (G), by striking the period
25 at the end and inserting “; or”; and

1 (3) by adding at the end the following:

2 “(H) a project eligible for assistance under
3 the REPAIR infrastructure program under sec-
4 tion 11509 of the Infrastructure Investment
5 and Jobs Act (23 U.S.C. 101 note; Public Law
6 117-58).”.

7 (h) CARBON REDUCTION PROGRAM.—Section 175(c)
8 of title 23, United States Code, is amended by striking
9 paragraph (2) and inserting the following:

10 “(2) FLEXIBILITY.—

11 “(A) IN GENERAL.—If the Secretary
12 makes a certification described in subparagraph
13 (B), a State—

1 ble projects under paragraph (1), may use
2 funds apportioned under section 104(b)(7)
3 for a project eligible under section 133(b).

4 “(B) CERTIFICATION.—A certification re-
5 ferred to in subparagraph (A) is a certification
6 by the Secretary that the State has dem-
7 onstrated a reduction in transportation emis-
8 sions—

9 “(i) as estimated on a per capita
10 basis; and

11 “(ii) as estimated on a per unit of
12 economic output basis.”.