

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.—

(1) IN GENERAL.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$3,000,000,000 for each of fiscal years 2027 through 2031 to carry out the REPAIR infrastructure program under section 11509 of the Infrastructure Investment and Jobs Act (23 U.S.C. 101 note; Public Law 117–58), of which—

9 (A) \$750,000,000 shall be for planning  
10 grants under subsection (c) of that section; and

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—

(A) available for obligation in the same manner as if those amounts were apportioned under chapter 1 of title 23, United States Code, except that those amounts shall remain available until expended; and

21 (B) administered as if—

(i) apportioned under chapter 1 of  
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.

3 (3) CONFORMING AMENDMENTS.—Section  
4 11509 of the Infrastructure Investment and Jobs  
5 Act (23 U.S.C. 101 note; Public Law 117–58) is  
6 amended—

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”.

19 (4) CLERICAL AMENDMENT.—The table of con-  
20 tents in section 1(b) of the Infrastructure Invest-  
21 ment and Jobs Act (Public Law 117–58; 135 Stat.  
22 429) is amended by striking the item relating to sec-  
23 tion 11509 and inserting the following:

“Sec. 11509. Restoring essential public access and improving resilient infra-  
structure (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)—

1 (A) by striking the paragraph designation  
2 and heading and all that follows through “basis  
3 of—” in subparagraph (B) in the matter pre-  
4 ceding clause (i) and inserting the following:

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 subpara-  
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:

23 “(ix) a description of how partner re-  
24 sources and other Federal and non-Federal  
25 funds will support the project, including a

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 “(III) economically thriving com-  
2 munities for individuals to work, live,  
3 and play by creating transportation  
4 choices for individuals to move freely  
5 and have meaningful access to oppor-  
6 tunities;

7 “(xii) the extent to which the applica-  
8 tion demonstrates—

9 “(I) a robust community partici-  
10 pation plan that engages community  
11 members most impacted by the exist-  
12 ing facility;

13 “(II) formal partnerships, backed  
14 by signed commitment letters and a  
15 budget, with organizations based in  
16 communities adjacent to the project  
17 area, including community-based or-  
18 ganizations and community develop-  
19 ment financial institutions;

20 “(III) an approach that meaning-  
21 fully redresses historic economic and  
22 physical barriers and benefits under-  
23 served communities; or

24 “(IV) a representative commu-  
25 nity advisory group, advisory board,

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

8 “(xiii) the extent to which the appli-  
9 cant demonstrates—

10 “(I) creative placemaking; or

11 “(II) community restoration, sta-  
12 bilization, and mechanisms to preserve  
13 affordability, limit disruption of low-  
14 income communities, and prevent dis-  
15 placement of existing residents, such  
16 as—

17 “(aa) assistance for renters  
18 and legacy homeowners and small  
19 businesses;

20 “(bb) preservation, rehabili-  
21 tation, and expansion of location-  
22 efficient affordable housing;

23 “(cc) mixed-income mixed  
24 use development;

1 “(dd) affordable commercial  
2 spaces; and

3 “(ee) other community  
4 wealth-building activities.”; and

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—

13 “(i) the percentage that allows du-  
14 plexes, accessory dwelling units, or higher  
15 unit count;

16 “(ii) the percentage that allows  
17 triplexes or higher unit count;

18 “(iii) the percentage that allows  
19 quadruplexes or higher unit count; and

20 “(iv) the percentage that has no min-  
21 imum 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 Infrastruc-  
16 ture 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)  
9 through (16) as paragraphs (2) through (17),  
10 respectively;

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

13 “(1) DIVISIVE ROADWAY INFRASTRUCTURE.—

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

21 “(B) INCLUSIONS.—The term ‘divisive  
22 roadway infrastructure’ includes—

23 “(i) a limited access highway;

24 “(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:

5 “(vii) to evaluate the impacts of divi-  
6 sive roadway infrastructure;”; and

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:

1 “(viii) Projects eligible for assistance  
2 under the REPAIR infrastructure program  
3 under section 11509 of the Infrastructure  
4 Investment and Jobs Act (23 U.S.C. 101  
5 note; Public Law 117–58).”.

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

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—

14 “(i) shall first use funds apportioned  
15 under section 104(b)(7) for a project eligi-  
16 ble for assistance under the REPAIR in-  
17 frastructure program under section 11509  
18 of the Infrastructure Investment and Jobs  
19 Act (23 U.S.C. 101 note; Public Law 117–  
20 58), as determined by the Secretary, tak-  
21 ing into consideration any projects that re-  
22 ceived planning grants under that pro-  
23 gram; and

24 “(ii) if funds remain available after  
25 carrying out clause (i), in addition to eligi-

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.”.