

# *FAST Act*

## Fixing America's Surface Transportation Act

H.R. 22 -- Signed Dec. 4, 2015 --- PL 114-94

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The enactment of the FAST Act has provided states and local governments with some degree of federal program and funding certainty through 2020. This commitment from the federal government has been missing from our partnership since the expiration of SAFETEA-LU in 2009. MAP-21 emphasized the use of performance measurement and asset management in improving the efficiency and effectiveness of our investments and introduced freight movements as a focus of transportation operations and investments. However, MAP-21 was short-term and continued the federal funding levels by transferring general funds into the Highway Trust Fund. The FAST Act builds on the federal-aid program strengths of MAP-21 and increases emphasis on freight movements. In addition, funding levels were maintained and slightly increased for five years through an increase in the general fund transfers into the Highway Trust Fund.

The FAST Act authorized \$305 billion through a combination of Highway Trust Fund revenues and transfers from the general fund. It provides \$226 billion for the federal-aid highway program, \$61 billion for public transit programs, \$7 billion for highway safety programs and \$10 billion for rail passenger programs.

While retaining the existing highway program structure, two new programs were created to support the freight emphasis – the National Highway Freight Program and the Nationally Significant Freight and Highway Projects program.

Two other issues are discussed throughout the act and are critically important:

- Flexibility and decision-making discretion by the States in the administration of the programs, and
- Streamlining project delivery which is intended to reduce project approval and completion times.

We are currently waiting for U.S. DOT to provide States with their implementation guidance. As the Act is implemented with the adoption of guidance, rules, and regulations, we will be able to determine if these two objectives have been met.

We are pleased to be able to proceed with making critical transportation investments and to provide transportation services to our citizens. However, as we look into the future, in approximately four years we will be faced with another reauthorization and an ever-growing transportation funding deficit.

This brief summary of the FAST Act will focus on the following titles:

Title I	Federal-aid Highways
Title III	Public Transit
Title IV	Highway Traffic Safety
Title V	Motor Carrier Safety
Title VI	Innovation and Research
Title VII	Hazardous Materials Transportation
Title VIII	Multimodal Freight Transportation
Title XI	Rail Transportation
Title XXXI	Highway Trust Fund

## Division A – Surface Transportation

### TITLE I – FEDERAL-AID HIGHWAYS

- Secs. 1101 – 1104 - Authorizations, Obligation Limitation, Definitions, and Apportionments. Tables of apportionments by program category by year are provided at the end of this document. The act continues to distribute nearly 93 percent of the federal-aid highway program through formula programs.
  - National Highway Obligation Limitation
    - 2015 \$40,256 million ---- current
    - 2016 \$42,361 million
    - 2017 \$43,266 million
    - 2018 \$44,234 million
    - 2019 \$45,269 million
    - 2020 \$46,365 million

*(Obligation limitation for FY 2016 was provided at the authorized levels – Obligation limitation distributed to the states for the formula programs equals 93.3 percent of the authorized apportionments subject to obligation limitation.)*

- Iowa Highway Formula Apportionment Totals
  - 2015 \$474.3 million ---- current
  - 2016 \$498.5 million
  - 2017 \$508.8 million
  - 2018 \$519.8 million
  - 2019 \$531.5 million
  - 2020 \$544.3 million

Increase of 5.1 percent in FY 2016 followed by annual increases of 2.1 percent, 2.2 percent, 2.3 percent and 2.4 percent.

*( For FY 2016 Iowa received \$473.1 in spending authority - \$465.3million in obligation authority and \$7.8 million in funding exempt from obligation limitations)*

- Sec. 1105 - Nationally Significant Freight and Highway Projects Program for projects of national or regional significance – a new discretionary program.  
*(The Iowa DOT will have projects eligible for this program and will be submitting applications once the criteria has been established and the application process identified.)*
    - Funded at \$4.5 billion over five years.
    - Projects must be highway freight projects on the National Highway Freight Network (NHFN), highway or bridge projects on the NHS, intermodal facilities, or grade crossings.
    - Intermodal projects are capped at \$500 million over the life of the bill.
    - Total project cost must exceed the lesser of \$100 million or 30% of a state’s annual highway apportionment. For Iowa projects this minimum project cost threshold would be \$100 million. The minimum amount for a grant will be \$25 million.
    - Smaller Projects - Ten percent of the funds shall be made available for projects which do not meet the \$100 million project cost threshold. Grants for these smaller projects can be as small as \$5 million.
    - Rural Projects – The Secretary shall reserve at least 25 percent of the annual funding for projects in rural areas (defined as outside an area of over 200,000 population.)
    - The federal share shall not exceed 60 percent.
    - Congressional Notification – at least 60 days before making a grant, the Secretary shall notify the House T&I and the Senate EPW committees. The Secretary may not make the grant if a joint resolution disapproving the grant is enacted before the last day of the 60-day period.
  
  - Sec 1106 - National Highway Performance Program funds can now be used for bridge projects not on the NHS if they are on the federal-aid system.
  
  - Sec 1108 – Railway-Highway Grade Crossing program funds remains as a set-aside from the Highway Safety Improvement Program, with half the funding directed to the installation of protective devices. Set-aside amounts begin at \$225 million in FY 2016, increasing by \$5 million per year and reaching \$245 million in FY 2020. *(The FY 2016 Appropriations act increased the set-aside for FY 2016 to \$350 million)*
  
  - Sec 1109 – Surface Transportation Program is renamed the Surface Transportation Block Grant program.
    - The Transportation Alternatives Program (TAP) is funded with a set-aside of \$835 million in FY 2016 and FY 2017, rising to \$850 million in FY 2018, FY 2019 and FY 2020. The Recreational Trails program is funded with \$84.16 million from the TAP set-aside.
    - Continues the suballocation based on population, but increases the suballocation amount from 51 percent in FY 2016 to 55 percent in FY 2020.
    - 50% of the non-rec trails TAP funding is suballocated. List of eligible projects is rewritten but very similar to the current list of eligible projects.
    - Projects must comply with Title 23.  
*(Note: with the suballocations, lists of eligible projects, and the requirement that projects comply with all of Title 23, not sure how this program represents a “block grant.”)*
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- Sec 1111 - Encourages states to “bundle” multiple bridge projects for purposes of funding and approval.
- Sec. 1113 – Highway Safety Improvement Program – the list of eligible activities was modified to delete non-infrastructure items such as education and traffic enforcement while adding vehicle to infrastructure equipment, pedestrian hybrid beacons, roadway improvements that separate pedestrians and vehicles and other physical infrastructure safety projects.
- Sec. 1114 – Under the Congestion, Mitigation and Air Quality program, vehicle-to-infrastructure (V2I) equipment is eligible for funding.
- Sec 1116 - National Highway Freight Program (NHFP) – creates a formula program funded at \$1.15 to \$1.5 billion per year. A state’s share of funds is based on its percentage of the total base apportionments (1.26 percent for Iowa).
  - Current estimate of NHFP funding for Iowa is:
 

▪ FY 2016	\$14.4 million
▪ FY 2017	\$13.7 million
▪ FY 2018	\$15.0 million
▪ FY 2019	\$16.9 million
▪ FY 2020	\$18.7 million
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Average	\$15.7 million
  - Iowa would be able to invest in projects on any part of the National Highway Freight Network (NHFN – described below) and up to 10 percent for intermodal or freight rail projects. There is an extensive list of 23 eligible project types, including “any other surface transportation project to improve the flow of freight into and out of a facility.” Facility includes a public or private freight rail or water facility.
  - The program is focused on a number of goals such as strengthening the contribution of the nation’s freight network to the economic competitiveness of the U.S., reducing the cost of freight transportation, improving the condition of the national freight network, and improving the productivity and the efficiency of the national highway freight network.
  - The NHFN includes the initial Primary Highway Freight Network - the 41,518 mile system developed by FHWA , portions of the Interstate system that are not included in the primary highway freight network, critical rural freight corridors, and critical urban freight corridors identified by the states. *(Iowa’s share of the initial primary highway freight network is 549.6 miles most of which is I-80 and I-35.)*
  - Critical rural and urban corridors are designated by the State (in consultation with the MPO or RPA for urban corridors). The Act contains criteria and some restrictions on what can be identified as a critical rural or urban corridor. *(The maximum mileage that can be added in Iowa to critical rural corridors is 150 miles and the maximum mileage that can be added for critical urban corridors is 75 miles.)*
  - If a state has not developed a state freight plan (as identified in the FAST Act) within two years, the state may not obligate funds under this program. *(We anticipate completion of the Iowa State Freight Plan in July 2016)*

- Sec. 1122 - DOT will (within 90 days) issue guidance for states that want to review/reconsider the roads that were added to the NHS under MAP-21.
- Sec. 1201 and 1202 - Metropolitan, nonmetropolitan, and statewide planning staff have a few new items which they are directed to consider such as natural disasters, emphasis on intermodal transfer facilities, accessibility to interstate bus facilities, public ports, and travel and tourism.

#### Subtitle C - Acceleration of Project Delivery

Sections 1301 to 1318 (more than 80 pages of the bill) are dedicated to: improving delivery, primarily as it relates to environment review; coordinating our planning with the review process; and aligning federal environmental reviews, programmatic agreements, and categorical exclusions.

- The surface transportation project delivery program relates to the agreement under 23 USC 327 allowing a state to assume responsibility for NEPA requirements. Provides for a review of the state agreement within six months and an annual audit for the first four years.
- Expands opportunities for categorical exclusions to allow any DOT operating administration to use a categorical exclusion of another operation administration.
- Requires the US DOT to propose new categorical exclusions for railroad projects, and directs the DOT to apply the streamlining measures found in 23 USC 139 to rail projects to the extent feasible.
- Requires “early concurrence or issue resolution” during the scoping process on purpose and need and the range of alternatives to analyze, compared to the current law that only calls for “an opportunity for involvement.”
- Requires lead agencies to establish project schedules after consultation with, and the concurrence of, each participating agency.

#### Subtitle D - Miscellaneous

- Sec. 1401 - Prohibits the use of Highway Safety Improvement Program (HSIP) funds for automated traffic enforcement.
- Sec. 1402 - Directs the Secretary to implement (within 180 days) requirements for the semiannual reporting of state highway obligations, balances, and spending rates of HTF apportionments by state. Additional breakdown includes the program and funding category, type and location of improvement, and revisions in the cost estimate and description of revisions. *(These requirements should be able to be met by FHWA from the information currently in FMIS without any additional reporting required from the state or local governments)*
- Sec 1404 - A state may allow local jurisdictions to use a roadway design standard that is different from the standard used by the state.
- Sec 1407 – Vehicle-to-infrastructure equipment is eligible for NHPP or STP funds.
- Sec 1409 – Amends section 127(a) of title 23 so that “A vehicle carrying fluid milk products shall be considered a load that cannot be easily dismantled or divided.” *(An additional concern is the*

*precedent this sets for other commodities. Can grain, rock and oil be next in line to be declared non-divisible loads?)*

- Sec 1410 – Makes a few limited adjustments to interstate vehicle weights on segments in Texas, Wisconsin, Arkansas and Minnesota, for emergency vehicles and natural gas vehicles, and for heavy vehicle tow vehicles.
- Sec 1413 – Directs the US DOT to designate national electric vehicle charging and hydrogen/propane/NG fueling corridors.
- Sec 1414 – Repeat Offender - Allows 24-7 sobriety programs to be used instead of ignition interlocks or complete suspensions if it satisfies the same minimum penalties as a single law would have. The term “24-7 Sobriety Program” is defined in 23 USC 405(d)(7)(A). Under this program, a person would receive for not less than one year:
  - a suspension of all driving privileges;
  - a restriction on driving that limits privileges to operating only motor vehicles with an ignition interlock system;
  - a restriction on driving privileges that limits the individual to operating a motor vehicle only if participating in and complying with a 24-7 sobriety program; or
  - any combination of the above.
- Sec 1415 - Allows federal funds to be use for enhancement of habitat and forage for pollinators, and migratory way stations for Monarch butterflies, other native pollinators, and honey bees as part of a project’s cost, and encourages integrated vegetation management and development of habitat and forage. *(Another major initiative of U.S. DOT and FHWA)*
- Sec 1416 – Includes additions to the “High priority corridors on National Highway System. “ *(Need to find out the benefits of this designation – the Avenue of the Saints was one of the original routes designated in ISTEA but no funding has been specifically provided for this designation beyond the original earmarks)*
- Sec 1420 – Interesting provision which allows the Secretary, upon request by a state, to “exercise all existing flexibilities under and exceptions to” Title 23 and other statutes. *(sure there are limits to this flexibility but will be fun to test the limits)*
- Sec 1425 – Signs of service clubs, charitable, and religious organizations that currently exist or were removed in the previous three years and are less than 32 square feet shall be allowed.
- Sec 1431 – directs the DOT to establish a National Advisory Committee on Travel and Tourism Infrastructure. *(Follow-on to Sec. 1201/1202)*
- Sec 1433 – Requires the GAO to report to Congress on the use of FHWA administrative expenses from the HTF.
- Sec 1434 – Rescinds \$7.569 billion of highway contract authority apportionments by July 1, 2020.
- Sec 1442 – Directs the DOT to encourage states and MPOs to adopt standards that provide for accommodation of all users of the network, including non-motorized uses.
- Sec 1444 – Directs the FHWA administrator to continue the Every Day Counts initiative.

## TITLE II – INNOVATIVE PROJECT FINANCE

This title amends the TIFIA program, a federal infrastructure loan program. Iowa does not bond or borrow for infrastructure projects and as a result does not participate in the program.

## TITLE III – PUBLIC TRANSIT

- Sec 1314 – Apportionments

Federal transit programs also remain basically unchanged. A table of Iowa’s program funding is at the end of this document.

- National apportionments – formula and discretionary

▪ 2015	\$ 8,627 million --- current
▪ 2016	\$ 9,292 million
▪ 2017	\$ 9,478 million
▪ 2018	\$ 9,676 million
▪ 2019	\$ 9,882 million
▪ 2020	\$10,093 million

- Iowa - total transit formula funding

▪ 2015	\$38.6 million ---- current
▪ 2016	\$39.6 million
▪ 2017	\$40.4 million
▪ 2018	\$41.3 million
▪ 2019	\$42.8 million
▪ 2020	\$43.7 million

- Sec. 3003 thru Sec 3008 – Makes some minor changes to some of the transit programs and calls for a study to compile the practices and service delivery options to coordinate public transportation services and define jurisdiction and federal responsibilities.

- Sec 3017 – Iowa was a major recipient of Bus and Bus Facilities funding when the projects were identified in the authorization or appropriations bill prior to 2010. Iowa funding has dropped considerably since that time. The FAST Act establishes a Bus and Bus Facilities Competitive Grant program under which states such as Iowa can compete for funding. The Secretary shall consider the age and condition of buses and facilities when awarding grants. Funding begins at \$268 million in FY 2016 and increases to \$344 million by FY 2020. *The Iowa DOT in conjunction with Iowa’s transit agencies will be applying for funding under this program. It is important that the Administration understand the importance of this program for transit systems outside the major metropolitan centers.*

- Sec 3027 – Directs the comptroller general to examine and evaluate the impact of the changes that MAP-21 had on public transportation.
- Sec 3028 – Authorizes \$199 million from the Mass Transit Account to assist in financing the installation of Positive Train Control. Funds shall be awarded on a competitive basis by the Secretary and are available until expended. This funding is subject to the overall obligation limitation so other FTA spending will have to be reduced to allow room for the PTC.

#### **TITLE IV – HIGHWAY TRAFFIC SAFETY**

- Sec 4002 – Amends 23 USC 402 - Under the Highway Safety Program, expands the scope of teen traffic safety to include increasing drivers’ awareness of commercial motor vehicles in order to prevent crashes and reduce injuries and fatalities. States that have an automated traffic enforcement system are required to conduct a biennial survey about the system (required survey questions are identified) and make the results available online. The DOT is to develop procedures which allow states to submit highway safety plans in electronic form.
- Sec. 4005(a) – funds for the National Priority Safety Programs shall be allocated as follows:
  - Occupant Protection – 13 percent
  - State traffic safety information system improvements – 14.5 percent
  - Impaired driving countermeasures – 52.5 percent
  - Distracted driving – 8.5 percent
  - Motorcyclist safety – 1.5 percent
  - State graduated driver licensing laws – 5 percent
  - Nonmotorized safety – 5 percent
- Sec 4005(e) –
  - Allows grants to be awarded to any state that includes distracted driving awareness as part of its driver’s license examination and that also enacts a law: 1) prohibiting texting while driving; and 2) prohibiting teenage drivers from using a personal wireless communications device while driving.
  - Directs the DOT to update and provide the states with model “share the road” language (for use in education courses, driver’s manuals and other driver training materials) that emphasize the importance of sharing the road safely with motorcyclists.
- Sec 4005(f) – Modifies the minimum requirements for the state graduated driver licensing incentive grant program.
- Sec 4008 – Requires the Secretary to conduct a study on marijuana-impaired driving.
- Sec 4013 – Requires a report to Congress identifying legal and technical barriers to data collection regarding the use of wireless communication devices while driving.

## TITLE V – MOTOR CARRIER SAFETY

This title makes many changes to the Motor Carrier provisions found in 23 USC chapters 402, 403, 404 and 405.

- Sec 5101 – Grants to states – makes extensive changes to the motor carrier grant program. For example:
  - States are to conduct new entrant safety audits or at least verify the quality of third-party audits.
  - States must agree to fully participate in PRISM no later than October 1, 2020, or demonstrate an alternative approach
  - DOT must prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws
  - States are to develop and submit safety plans to the Secretary which address national priorities and performance goals.
- Sec 5104 – Commercial Driver’s License program implementation – changes the program goals and prioritization for states to improve commercial driver’s license programs.
- Sec 5106 – Establishes a motor carrier safety assistance program formula working group which will analyze requirements and factors for the establishment of a new allocation formula for the MCSAP. New formula will be adjusted so that each state’s apportionment will not be less than 97 percent of the average funding received between FY 2013 and FY 2015.
- Sec 5203 – Every five years the administrator is to conduct a comprehensive review of the guidance documents issued by FMCSA to determine if they are consistent and clear, are uniformly and consistently enforced, and are still necessary.
- Sec 5206 – Extends the length of exemptions issued by FMCSA from two years to five years.
- Sec 5221 – The National Research Council is to conduct a study of FMCSA’s compliance, safety, and accountability program and its safety measurement system.
- Sec 5401 – The Secretary is to modify CDL regulations to exempt veterans from the commercial driving test if they drove similar vehicles while in the service.
- Sec 5404 – The Secretary is to establish a pilot program to study the feasibility, benefits, and safety impacts of allowing a member or former member of the armed services between the ages of 18 and 21 to operate a commercial motor vehicle in interstate commerce based on an analysis of accident history while operating intrastate. Does not include handling hazardous materials.
- Sec 5506 – Requires a report on CDL skills test delays.
- Sec 5512 – Allows the FMCSA Administrator to request information about an individual in connection with a safety investigation.
- Sec 5520 – Automobile transporter shall not be prohibited from transporting cargo or general freight on a backhaul so long as it complies with weight limitations.
- Sec 5521 – Ready-mix concrete delivery vehicles are not subject to regulations regarding reporting, recordkeeping, or documenting duty status under certain conditions.

- Sec 5522 – Increases the air radius mileage allowable for transportation of construction materials to 75 miles if it applies to movements entirely within one state.
- Sec 5523 – Allows towaway trailer transport combinations of up to two trailers, 82 feet and a total weight under 26,000 pounds, to be used in the delivery of such trailers and semitrailer combinations by manufacturers, distributors, or dealers if the trailer contains no property.

## **TITLE VI – INNOVATION and RESEARCH**

- Sec 6020 - The Secretary can provide grants to states to demonstrate user-based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the HTF. There is a long and very specific list of items that the mechanism is to address. A total of \$95 million is available for this section.
- Sec 6021 – The Secretary shall enter into an agreement with TRB to conduct a study on the actions needed to upgrade and restore the Interstate System to meet growing and shifting demands. Report is due within three years.
- Sec 6022 – The Secretary may examine the impact of pavement durability and sustainability on vehicle fuel consumption, vehicle wear and tear, road conditions, and road repairs. Report is due within one year.
- Sec 6025 - The GAO shall submit a report to Congress that assesses the status of autonomous transportation technology policy, assesses the organizational readiness of the department to address autonomous vehicle technology challenges, and provides recommendations. Report is due within two years.
- Sec 6026 – The Secretary may conduct research on the reduction of traffic congestion. Report is due within one year.
- Sec 6027 – The Secretary may conduct a study of digital technologies and information technology, including shared mobility, data, transportation network companies, and on-demand transportation services. Report is due within 18 months.
- Sec 6028 – The FHWA administrator shall develop, use and maintain data sets and data analysis tools to assist metropolitan planning organizations, states, and the FHWA in carrying out performance management analysis and requirements. Up to \$10 million per year is available from the highway research and development program for this activity.

## **TITLE VII – HAZARDOUS MATERIALS TRANSPORTATION**

- Sec. 7301 - The Secretary must create a competitive grant program for non-profits providing outreach and training for responding to accidents involving hazardous materials.
- Sec. 7302 – Within one year, the Secretary must issue regulations requiring certain actions by Class I railroads and others to allow for the most effective response to accidents involving hazardous materials. For instance, Class I railroads would be required to report, to public officials: information on the identity, quantity and location of hazardous materials on a train; the point of origin and destination; and other information.

- Sec. 7304 – For tank cars used to transport Class 3 flammable liquids: phases out tank cars that do not meet certain DOT specifications (DOT-117, DOT-117P, or DOT-117R).
- Sec. 7305 – Certain tank cars, including those built to meet DOT-117 specifications and others, must be equipped with an insulating blanket at least ½ inch thick.

## TITLE VIII – MULTIMODAL FREIGHT TRANSPORTATION

- The objective of the National Multimodal Freight Policy is to maintain and improve the condition and performance of the National Multimodal Freight Network, ensure that the network provides a foundation for the United States to compete in the global economy, and to achieve a very specific set of goals identified in the Act under Subtitle IX of Title 49 U.S.C. This activity is to be administered by the Undersecretary of Transportation Policy within the U.S. DOT.
- The Undersecretary shall develop a National Freight Strategic Plan within two years.
- The Undersecretary shall establish – within 180 days – an interim National Multimodal Freight Network consisting of the National Highway Freight Network, Class 1 Freight rail lines, public ports with over two million short tons, the inland and intercostal waterway system, the Great Lakes and St. Lawrence Seaway, the 50 largest cargo airports (*Des Moines is #47 based on 2014 data*) and other strategic freight assets identified by the Undersecretary for Policy U.S. DOT. The final network is due within one year.
- Establishing this network is intended to:
  - assist states in strategically directing resources
  - inform freight transportation planning
  - assist in the prioritization of federal investment
  - assist and support federal investments to achieve national multimodal freight policy goals
- States are encouraged to establish a Freight Advisory Committee. (*The Iowa DOT established a Freight Advisory Committee in 2012*)
- States shall develop a comprehensive freight plan if they wish to use National Highway Freight Program funding. The state freight plan may be developed separately or incorporated into the statewide long range plan. (*The Iowa DOT is developing a State Freight Plan in addition to a State Long Range Transportation Plan*)

## TITLE IX – NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

- Creates a National Surface Transportation and Innovative Finance Bureau. The Executive Director is appointed by the Secretary and reports to the Undersecretary of Transportation for Policy. The Bureau shall:
  - Administer TIFIA, RRIF and the Nationally Significant Freight and Highway Projects programs
  - Work to develop innovative financing best practices
  - Serve as the DOT liaison for environmental permitting
- Authorizes the Secretary to eliminate any DOT offices made redundant.

## TITLE XI – RAIL TRANSPORTATION

The Rail programs are funded from the General Fund and subject to annual appropriations. The programs identified below in Sections 11301, 11302 and 11303 were not funded In FY 2016.

- Amtrak Funding - Provides five years of increased funding totaling \$6.6 billion (beginning at \$1.45 billion increasing to \$1.8 billion). Funding would come from the General Fund and be subject to annual appropriations. Separate amounts are available each year for the NE Corridor and the National Network.
- Extensive review of Amtrak, with reforms or evaluation of food and beverage service, local products and promotional events, rolling stock purchases, station development, boarding procedures, and a pilot program to allow passengers to bring along cats and dogs.
- Sec 11203 - Amtrak five-year business plan - Each year, Amtrak shall prepare for Congress a five-year business plan that includes individual plans for each of the business lines named below, and maintains the appropriate share of costs and revenues between these lines:
  - NE Corridor
  - State-supported service
  - Long-distance routes
  - Amtrak's other activities
- Sec 11301 - Creates a new competitive program for consolidated rail infrastructure and safety improvements for passenger and freight rail transportation. Funding increases from \$98 million in FY 2016 to \$330 million in FY 2020 for a total of \$1.1 billion over five years.
  - A wide range of safety and capital projects and programs are eligible.
  - Applicants can be states, group of states, interstate compacts, political subdivisions of states, Amtrak, Class II or III railroads, TRB, UTCs, or rail labor unions.
  - At least 25 percent is set aside for rural areas, and preference is given for a proposed federal share of no more than 50 percent (but federal share shall not exceed 80 percent).
- Sec 11302 – Federal-State partnership for state of good repair - creates a new federal competitive grant program for capital projects to reduce the state of good repair backlog for passenger rail assets. Funding increases from \$82 million in FY 2016 increasing to \$300 million in FY 2020 for a total of \$997 million over 5 years
- Sec 11303 – A new competitive grant program for operating assistance grants for the purpose of initiating, restoring or enhancing intercity rail passenger transportation. Operating assistance grants can last no more than three years. Funded at \$20 million per year.
- Sec 11307 – Within 18 months, the US DOT shall implement a pilot program for competitive selection for the privatization of not more than three Amtrak long-distance routes.
- Sec 11401 – Rail Safety – Rules or regulations to require:
  - Installation of signs to warn crews when approaching an area with high risk of overspeed derailment.
  - A working “alerter” in the locomotive of each passenger train.

- For all intercity passenger and commuter railroads, installation of audio recorders and inward- and outward- facing image recorders in controlling locomotives. Also increases the maximum aggregate damage awards in a passenger rail accident from \$200 million per accident to \$295 million
- Adoption of regulations for real-time response information, thermal blankets for tank cars, comprehensive oil spill response plan and a study and recommendations related to rail liability.
- A study to determine the possible effectiveness of positive train control and related technologies on reducing collisions at grade crossings.

### *Division B – Comprehensive Transportation and Consumer Protection Act of 2015*

#### **TITLE XXIV – MOTOR VEHICLE SAFETY**

- Directs the Secretary to implement current technology, web design trends and best practices to help ensure that motor vehicle safety recall information is available to the public on the US DOT website.
- Specifies notification of recall by email in addition to first-class mail.
- Directs the Secretary to implement a two-year pilot program to evaluate the feasibility and effectiveness of a state process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration in the state.
- Provides that any data retained by an event data recorder is the property of the owner. Requires a study to determine the amount of time the data should be recorded in order to be used to investigate the cause of motor vehicle crashes.

### *Division C – Finance*

#### **TITLE XXXI – HIGHWAY TRUST FUND AND RELATED TAXES and TITLE XXXII – OFFSETS**

- Extends the Highway Trust Fund authority until October 1, 2020.
- Extends highway-related taxes until October 1, 2022.
- In case Congress would enact additional revenues for deposit into the Highway Trust Fund, the revenue would automatically be made available for obligation to the states without further action by Congress.
- Transfers to the HTF from the General Fund: \$51.9 billion to the Highway Account (HA) and \$18.1 billion to the Mass Transit Account.
- Transfers certain motor vehicle safety penalties to the HTF.
- Transfers \$300 million from the LUST Trust Fund to the HA in three installments of \$100 million each.

*Division D – Miscellaneous*

**TITLE XLI – FEDERAL PERMITTING IMPROVEMENT**

- Sections in this title are intended to improve the coordination of federal agency permitting review and approval, including the establishment of a Federal Permitting Improvement Steering Council.
- Creation of an Internet Permitting Dashboard that will serve as a database of existing projects that are pending approval. Project information will include key dates, identifying the lead federal agency, and other specific information for each project.

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