

SEC. 12002. FEDERAL REQUIREMENTS FOR TIFIA ELIGIBILITY AND PROJECT SELECTION.

(a) **IN GENERAL.**—Section 602(c) of title 23, United States Code, is amended by adding at the end the following:

“(3) **PAYMENT AND PERFORMANCE SECURITY.**—

“(A) **IN GENERAL.**—The Secretary shall ensure that the design and construction of a project carried out with assistance under the TIFIA program shall have appropriate payment and performance security, regardless of whether the obligor is a State, local government, agency or instrumentality of a State or local government, public authority, or private party.

“(B) **WRITTEN DETERMINATION.**—If payment and performance security is required to be furnished by applicable State or local statute or regulation, the Secretary may accept such payment and performance security requirements applicable to the obligor if the Federal interest with respect to Federal funds and other project risk related to design and construction is adequately protected.

“(C) **NO DETERMINATION OR APPLICABLE REQUIREMENTS.**—If there are no payment and performance security requirements applicable to the obligor, the security under section 3131(b) of title 40 or an equivalent State or local requirement, as determined by the Secretary, shall be required.”.

(b) **APPLICABILITY.**—The amendments made by this section shall apply with respect to any agreement for credit assistance entered into on or after the date of enactment of this Act.

TITLE III—RESEARCH, TECHNOLOGY, AND EDUCATION

SEC. 13001. STRATEGIC INNOVATION FOR REVENUE COLLECTION.

(a) **IN GENERAL.**—The Secretary shall establish a program to test the feasibility of a road usage fee and other user-based alternative revenue mechanisms (referred to in this section as “user-based alternative revenue mechanisms”) to help maintain the long-term solvency of the Highway Trust Fund, through pilot projects at the State, local, and regional level.

(b) **GRANTS.**—

(1) **IN GENERAL.**—The Secretary shall provide grants to eligible entities to carry out pilot projects under this section.

(2) **APPLICATIONS.**—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) **OBJECTIVES.**—The Secretary shall ensure that, in the aggregate, the pilot projects carried out using funds provided under this section meet the following objectives:

(A) To test the design, acceptance, equity, and implementation of user-based alternative revenue mechanisms, including among—

- (i) differing income groups; and
- (ii) rural and urban drivers, as applicable.

(B) To provide recommendations regarding adoption and implementation of user-based alternative revenue mechanisms.

(C) To quantify and minimize the administrative costs of any potential user-based alternative revenue mechanisms.

(D) To test a variety of solutions, including the use of independent and private third-party vendors, for the collection of data and fees from user-based alternative revenue mechanisms, including the reliability and security of those solutions and vendors.

(E) To test solutions to ensure the privacy and security of data collected for the purpose of implementing a user-based alternative revenue mechanism.

(F) To conduct public education and outreach to increase public awareness regarding the need for user-based alternative revenue mechanisms for surface transportation programs.

(G) To evaluate the ease of compliance and enforcement of a variety of implementation approaches for different users of the surface transportation system.

(H) To ensure, to the greatest extent practicable, the use of innovation.

(I) To consider, to the greatest extent practicable, the potential for revenue collection along a network of alternative fueling stations.

(J) To evaluate the impacts of the imposition of a user-based alternative revenue mechanism on—

- (i) transportation revenues;
- (ii) personal mobility, driving patterns, congestion, and transportation costs; and
- (iii) freight movement and costs.

(K) To evaluate options for the integration of a user-based alternative revenue mechanism with—

- (i) nationwide transportation revenue collections and regulations;
- (ii) toll revenue collection platforms;
- (iii) transportation network company fees; and
- (iv) any other relevant transportation revenue mechanisms.

(4) ELIGIBLE ENTITY.—An entity eligible to apply for a grant under this section is—

- (A) a State or a group of States;
- (B) a local government or a group of local governments;

or

(C) a metropolitan planning organization (as defined in section 134(b) of title 23, United States Code) or a group of metropolitan planning organizations.

(5) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant to carry out a pilot project to address 1 or more of the objectives described in paragraph (3).

(6) CONSIDERATION.—The Secretary shall consider geographic diversity in awarding grants under this subsection.

(7) FEDERAL SHARE.—The Federal share of the cost of a pilot project carried out under this section may not exceed—

(A) 80 percent of the total cost of a project carried out by an eligible entity that has not otherwise received a grant under this section; and

(B) 70 percent of the total cost of a project carried out by an eligible entity that has received at least 1 grant under this section.

(c) **LIMITATION ON REVENUE COLLECTED.**—Any revenue collected through a user-based alternative revenue mechanism established using funds provided under this section shall not be considered a toll under section 301 of title 23, United States Code.

(d) **RECOMMENDATIONS AND REPORT.**—Not later than 3 years after the date of enactment of this Act, the Secretary, in coordination with the Secretary of the Treasury and the Federal System Funding Alternative Advisory Board established under section 13002(g)(1), shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) summarizes the results of the pilot projects under this section and the national pilot program under section 13002; and

(2) provides recommendations, if applicable, to enable potential implementation of a nationwide user-based alternative revenue mechanism.

(e) **FUNDING.**—

(1) **IN GENERAL.**—Of the funds made available to carry out section 503(b) of title 23, United States Code, for each of fiscal years 2022 through 2026 \$15,000,000 shall be used for pilot projects under this section.

(2) **FLEXIBILITY.**—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications to meet the requirements of this section for that fiscal year, the Secretary shall transfer to the national pilot program under section 13002 or to the highway research and development program under section 503(b) of title 23, United States Code—

(A) any funds reserved for a fiscal year under paragraph (1) that the Secretary has not yet awarded under this section; and

(B) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under subparagraph (A).

(f) **REPEAL.**—

(1) **IN GENERAL.**—Section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) is repealed.

(2) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the FAST Act (Public Law 114–94; 129 Stat. 1312) is amended by striking the item relating to section 6020.

SEC. 13002. NATIONAL MOTOR VEHICLE PER-MILE USER FEE PILOT.

(a) **DEFINITIONS.**—In this section:

(1) **ADVISORY BOARD.**—The term “advisory board” means the Federal System Funding Alternative Advisory Board established under subsection (g)(1).

(2) **COMMERCIAL VEHICLE.**—The term “commercial vehicle” has the meaning given the term commercial motor vehicle in section 31101 of title 49, United States Code.