

H. R. 22

One Hundred Fourteenth Congress of the United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Tuesday, the sixth day of January, two thousand and fifteen

An Act

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Fixing America’s Surface Transportation Act” or the “FAST Act”. (b) **Table of contents.**—The table of contents for this Act is as follows:

- (1) Division A—Surface Transportation.
- (2) Division B—Comprehensive Transportation and Consumer Protection Act of 2015.
- (3) Division C—Finance.
- (4) Division D—Miscellaneous.
- (5) Division E—Export-Import Bank of the United States (6) Division F—Energy Security
- (7) Division G—Financial Services

DIVISION A—SURFACE TRANSPORTATION

TITLE I—FEDERAL-AID HIGHWAYS Subtitle A - Authorizations and Programs

SEC. 1112. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) **CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.**—Section 147 of title 23, United States Code, is amended—

(1) in subsection (a), in the subsection heading, by striking “In General.—” and inserting “Program.—”; and

(2) by striking subsections (d) through (g) and inserting the following:

“(d) **FORMULA.**—Of the amounts allocated under subsection (c)—

“(1) 35 percent shall be allocated among eligible entities in the proportion that—

“(A) the number of ferry passengers, including passengers in vehicles, carried by each ferry system in the most recent calendar year for which data is available; bears to

“(B) the number of ferry passengers, including passengers in vehicles, carried by all ferry systems in the most recent calendar year for which data is available;

“(2) 35 percent shall be allocated among eligible entities in the proportion that—

“(A) the number of vehicles carried by each ferry system in the most recent calendar year for which data is available; bears to

“(B) the number of vehicles carried by all ferry systems in the most recent calendar year for which data is available; and

“(3) 30 percent shall be allocated among eligible entities in the proportion that—

“(A) the total route nautical miles serviced by each ferry system in the most recent calendar year for which data is available; bears to

“(B) the total route nautical miles serviced by all ferry systems in the most recent calendar year for which data is available.

“(e) REDISTRIBUTION OF UNOBLIGATED AMOUNTS.—The Secretary shall—

“(1) withdraw amounts allocated to an eligible entity under subsection (c) that remain unobligated by the end of the third fiscal year following the fiscal year for which the amounts were allocated; and “(2) in the subsequent fiscal year, redistribute the amounts referred to in paragraph (1) in accordance with the formula under subsection (d) among eligible entities for which no amounts were withdrawn under paragraph (1).

“(f) MINIMUM AMOUNT.—Notwithstanding subsection (c), a State with an eligible entity that meets the requirements of this section shall receive not less than \$100,000 under this section for a fiscal year.

“(g) IMPLEMENTATION.—

“(1) DATA COLLECTION.—

“(A) NATIONAL FERRY DATABASE.—Amounts made available for a fiscal year under this section shall be allocated using the most recent data available, as collected and imputed in accordance with the national ferry database established under section 1801(e) of SAFETEA-LU (23 U.S.C. 129 note).

“(B) ELIGIBILITY FOR FUNDING.—To be eligible to receive funds under subsection (c), data shall have been submitted in the most recent collection of data for the national ferry database under section 1801(e) of SAFETEA-LU (23 U.S.C. 129 note) for at least 1 ferry service within the State.

“(2) ADJUSTMENTS.—On review of the data submitted under paragraph (1)(B), the Secretary may make adjustments to the data as the Secretary determines necessary to correct misreported or inconsistent data.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$80,000,000 for each of fiscal years 2016 through 2020.

“(i) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b), funds made available to carry out this section shall remain available until expended.

“(j) APPLICABILITY.—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.”.

(b) NATIONAL FERRY DATABASE.—Section 1801(e)(4) of SAFETEA-LU (23 U.S.C. 129 note) is amended by striking subparagraph (D) and inserting the following:

“(D) make available, from the amounts made available for each fiscal year to carry out chapter 63 of title 49, not more than \$500,000 to maintain the database.”.

(c) CONFIRMING AMENDMENTS.—Section 129(c) of title 23, United States Code, is amended—

(1) in paragraph (2), in the first sentence, by inserting “or on a public transit ferry eligible under chapter 53 of title 49” after “Interstate System”;

(2) in paragraph (3)—

(A) by striking “(3) Such ferry” and inserting “(3)(A) The ferry”; and

(B) by adding at the end the following:

“(B) Any Federal participation shall not involve the construction or purchase, for private ownership, of a ferry boat, ferry terminal facility, or other eligible project under this section.”;

(3) in paragraph (4) by striking “and repair,” and inserting “repair,”; and

(4) by striking paragraph (6) and inserting the following:

“(6) The ferry service shall be maintained in accordance with section 116.

“(7) (A) No ferry boat or ferry terminal with Federal participation under this title may be sold, leased, or otherwise disposed of, except in accordance with part 200 of title 2, Code of Federal Regulations.

“(B) The Federal share of any proceeds from a disposition referred to in subparagraph (A) shall be used for eligible purposes under this title.”

