

117TH CONGRESS
1ST SESSION

S. _____

To direct the Secretary of Transportation to establish a grant program for projects to strengthen and protect vulnerable infrastructure used during mass evacuations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY (for himself and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To direct the Secretary of Transportation to establish a grant program for projects to strengthen and protect vulnerable infrastructure used during mass evacuations, 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 “Enhancing the
5 Strength and Capacity of America’s Primary Evacuation
6 routes Act” or the “ESCAPE Act”.

7 **SEC. 2. EVACUATION ROUTE PROGRAM.**

8 (a) **DEFINITIONS.**—In this section:

1 (1) EVACUATION ROUTE.—The term “evacu-
2 ation route” means a route that—

3 (A) is owned, operated, or maintained by a
4 Federal, State, Tribal, or local government or a
5 private entity;

6 (B) is used—

7 (i) to transport the public away from
8 an emergency event (as defined in section
9 667.3 of title 23, Code of Federal Regula-
10 tions (or successor regulations)) that is an-
11 ticipated, reasonably likely, ongoing, or
12 past; or

13 (ii) to transport emergency responders
14 and recovery resources;

15 (C) is designated by the State in which the
16 route is located (or in the case of a federally
17 owned route, the head of the Federal agency
18 with jurisdiction over the route) for the pur-
19 poses described in subparagraph (B); and

20 (D) meets the criteria for a mass evacu-
21 ation route pursuant to subsection (b)(1).

22 (2) PROGRAM.—The term “program” means
23 the competitive grant program established under
24 subsection (c)(1).

1 (3) RESILIENCE PROJECT.—The term “resilience project” means a project—

2
3 (A) with the ability to anticipate, prepare
4 for, and adapt to changing conditions and with-
5 stand, respond to, and recover rapidly from dis-
6 ruptions; and

7 (B) designed and built to address current
8 and future vulnerabilities to an evacuation
9 route due to—

10 (i) future occurrence or recurrence of
11 emergency events (as defined in section
12 667.3 of title 23, Code of Federal Regula-
13 tions (or successor regulations)) that are
14 likely to occur in the geographic area in
15 which the evacuation route is located; or

16 (ii) projected changes in development
17 patterns, demographics, or extreme events
18 based on the best available evidence and
19 analysis.

20 (4) SECRETARY.—The term “Secretary” means
21 the Secretary of Transportation.

22 (b) ESTABLISHMENT OF MASS EVACUATION ROUTE
23 CRITERIA.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of enactment of this Act, the Sec-

1 retary, in consultation with the Administrator of the
2 Federal Emergency Management Agency, State de-
3 partments of transportation, metropolitan planning
4 organizations, and other stakeholders, shall establish
5 criteria for eligible entities described in subsection
6 (f) to identify mass evacuation routes.

7 (2) REQUIREMENTS.—In carrying out para-
8 graph (1), the Secretary shall—

9 (A) provide a period of not less than 90
10 days for State departments of transportation,
11 metropolitan planning organizations, other
12 stakeholders, and the public to comment on the
13 criteria proposed by the Secretary under that
14 paragraph; and

15 (B) take into consideration any comments
16 received pursuant to subparagraph (A).

17 (c) ESTABLISHMENT OF PROGRAM.—

18 (1) IN GENERAL.—The Secretary (in consulta-
19 tion with the Administrator of the Federal Emer-
20 gency Management Agency for the purposes de-
21 scribed in paragraph (2)) shall establish a competi-
22 tive grant program to provide grants for resilience
23 projects that strengthen and protect evacuation
24 routes that are essential for providing and sup-
25 porting mass evacuations caused by emergency

1 events (as defined in section 667.3 of title 23, Code
2 of Federal Regulations (or successor regulations)).

3 (2) CONSULTATION.—In carrying out the pro-
4 gram, the Secretary shall consult with the Adminis-
5 trator of the Federal Emergency Management Agen-
6 cy for the purpose of providing technical assistance
7 to the Secretary and to applicants.

8 (d) ELIGIBLE RESILIENCE PROJECTS.—The Sec-
9 retary shall provide grants under this section to resilience
10 projects—

11 (1) described in subsection (e); and

12 (2) that—

13 (A) ensure the ability of the evacuation
14 route to provide safe passage during a mass
15 evacuation and reduce the risk of damage to
16 evacuation routes as a result of future emer-
17 gency events (as defined in section 667.3 of
18 title 23, Code of Federal Regulations (or suc-
19 cessor regulations)), including—

20 (i) restoring or replacing existing
21 mass evacuation routes that are classified
22 as being in poor condition or do not meet
23 current geometric standards;

24 (ii) protecting, elevating, or relocating
25 assets that are located in a base floodplain;

1 (iii) protecting assets vulnerable to
2 high winds;

3 (iv) installing mitigation measures
4 that prevent the intrusion of floodwaters
5 into transportation systems;

6 (v) strengthening systems that remove
7 rainwater from transportation facilities or
8 services; or

9 (vi) other resilience projects that ad-
10 dress identified vulnerabilities;

11 (B) if the Secretary determines that exist-
12 ing evacuation routes are not sufficient to ade-
13 quately facilitate mass evacuations, expand the
14 capacity of evacuation routes to swiftly and
15 safely accommodate mass evacuations and pro-
16 vide mobility for emergency responders and re-
17 covery resources, including installation of—

18 (i) communications and intelligent
19 transportation system equipment and in-
20 frastructure;

21 (ii) counterflow measures; or

22 (iii) shoulders;

23 (C) are for the construction of—

24 (i) new or redundant evacuation
25 routes, if the Secretary determines that ex-

1 isting evacuation routes are not sufficient
2 to adequately facilitate mass evacuations,
3 emergency response, or recovery efforts; or
4 (ii) sheltering facilities; or
5 (D) involve planning and acquisition, in-
6 cluding—
7 (i) mass evacuation planning and
8 preparation, such as—
9 (I) coordination with Federal
10 agencies and departments, agencies
11 and departments within the State,
12 first responders, and other States;
13 (II) identification of evacuation
14 routes;
15 (III) evacuation route education
16 and awareness campaigns;
17 (IV) traffic analysis and moni-
18 toring; or
19 (V) data sharing;
20 (ii) acquisition of evacuation route
21 and traffic incident management equip-
22 ment and vehicles;
23 (iii) evacuation route risk assessment;
24 (iv) development of enhanced mass
25 evacuation response capabilities;

- 1 (v) evacuation route signage; or
2 (vi) equipment for pedestrian move-
3 ment.

4 (e) ELIGIBLE PROJECTS.—The Secretary may make
5 a grant under this section only for a project that is—

6 (1) an evacuation route;

7 (2) a project eligible for assistance under title
8 23, United States Code;

9 (3) a public transportation facility or service eli-
10 gible for assistance under chapter 53 of title 49,
11 United States Code;

12 (4) a facility or service for intercity rail pas-
13 senger transportation (as defined in section 24102
14 of title 49, United States Code);

15 (5) a port facility, including a facility that—

16 (A) connects a port to other modes of
17 transportation;

18 (B) improves the efficiency of mass evacu-
19 ations and disaster relief; or

20 (C) aids transportation;

21 (6) a public-use airport (as defined in section
22 47102 of title 49, United States Code) that is in-
23 cluded in the national plan of integrated airport sys-
24 tems developed by the Federal Aviation Administra-

1 tion under section 47103 of title 49, United States
2 Code; or

3 (7) a route owned, operated, or maintained by
4 the Corps of Engineers.

5 (f) ELIGIBLE ENTITIES.—The Secretary may award
6 a grant under this section to any of the following:

7 (1) A State.

8 (2) A metropolitan planning organization that
9 serves an urbanized area (as defined by the Bureau
10 of the Census) with a population of more than
11 200,000 individuals.

12 (3) A unit of local government.

13 (4) A political subdivision of a State or local
14 government.

15 (5) A special purpose district or public author-
16 ity with a transportation function, including a port
17 authority.

18 (6) A Federal land management agency that
19 applies jointly with a State or group of States.

20 (7) A Tribal government or a consortium of
21 Tribal governments.

22 (8) A multistate or multijurisdictional group of
23 entities described in paragraphs (1) through (7).

24 (g) APPLICATIONS.—To be eligible to receive a grant
25 under this section, an eligible entity shall submit to the

1 Secretary an application in such form, at such time, and
2 containing such information as the Secretary determines
3 to be necessary.

4 (h) CRITERIA.—In selecting resilience projects to re-
5 ceive grants under the program, the Secretary shall con-
6 sider—

7 (1) the cost of the project compared to the risk
8 of recurring damage and the cost of future repairs,
9 taking into account current and future emergency
10 events (as defined in section 667.3 of title 23, Code
11 of Federal Regulations (or successor regulations))
12 and extreme events, to the maximum extent prac-
13 ticable;

14 (2) the extent to which the project reduces the
15 financial risk to the Federal Government; and

16 (3) such other criteria as the Secretary deter-
17 mines to be appropriate.

18 (i) ADMINISTRATION OF PROJECTS.—A project that
19 receives a grant under this section—

20 (1) may be transferred within the Department
21 of Transportation; and

22 (2) shall be administered in accordance with—
23 (A) title 23 and title 49, United States
24 Code, as applicable;

1 (B) title VI of the Civil Rights Act of 1964
2 (42 U.S.C. 2000d et seq.);

3 (C) the National Environmental Policy Act
4 of 1969 (42 U.S.C. 4321 et seq.); and

5 (D) the Uniform Relocation Assistance and
6 Real Property Acquisition Policies Act of 1970
7 (42 U.S.C. 4601 et seq.).

8 (j) FEDERAL COST SHARE.—

9 (1) IN GENERAL.—The Federal share of the
10 cost of a project carried out under the program shall
11 not exceed 80 percent of the total project cost.

12 (2) NON-FEDERAL SHARE.—The eligible entity
13 may use funds provided from other Federal sources
14 to meet the non-Federal cost share requirement for
15 a project under the program.

16 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section for
18 each fiscal year \$1,000,000,000, to remain available until
19 expended.