

116TH CONGRESS  
1ST SESSION

# H. R. 2838

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2019

Mr. GARAMENDI (for himself and Mr. KEATING) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## 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.

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