

117TH CONGRESS
1ST SESSION

S. _____

To direct the Secretary of Transportation to establish a working group to conduct a study on access to certain resources for infrastructure projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. KELLY (for himself and Mr. PORTMAN) 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 working group to conduct a study on access to certain resources for infrastructure projects, 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 “Rebuilding Our Com-
5 munities By Keeping Aggregates Sustainable Act of
6 2021” or the “ROCKS Act”.

7 **SEC. 2. WORKING GROUP ON COVERED RESOURCES.**

8 (a) DEFINITIONS.—In this section:

1 (1) COVERED RESOURCE.—The term “covered
2 resource” means a common variety material used in
3 transportation infrastructure construction and main-
4 tenance, including stone, sand, and gravel.

5 (2) SECRETARY.—The term “Secretary” means
6 the Secretary of Transportation.

7 (3) STATE.—The term “State” means each of
8 the several States, the District of Columbia, and
9 each territory or possession of the United States.

10 (4) WORKING GROUP.—The term “Working
11 Group” means the Working Group established under
12 subsection (b).

13 (b) ESTABLISHMENT.—Not later than 120 days after
14 the date of enactment of this Act, the Secretary shall es-
15 tablish a working group to conduct a study on access to
16 covered resources for infrastructure projects.

17 (c) MEMBERSHIP.—

18 (1) APPOINTMENT.—The Secretary shall ap-
19 point to the Working Group individuals with knowl-
20 edge and expertise in the production and transpor-
21 tation of covered resources.

22 (2) REPRESENTATION.—The Working Group
23 shall include not less than 1 representative of each
24 of the following:

25 (A) State departments of transportation.

1 (B) State agencies associated with covered
2 resources protection.

3 (C) State planning and geologic survey and
4 mapping agencies.

5 (D) Commercial motor vehicle operators,
6 including small business operators and opera-
7 tors who transport covered resources.

8 (E) Covered resources producers.

9 (F) Construction contractors.

10 (G) Labor organizations.

11 (H) Metropolitan planning organizations
12 and regional planning organizations.

13 (I) Indian Tribes, including Tribal elected
14 leadership or Tribal transportation officials.

15 (J) Any other stakeholders that the Sec-
16 retary determines appropriate.

17 (3) TERMINATION.—The Working Group shall
18 terminate 180 days after the date on which the Sec-
19 retary receives the report under subsection (f)(1).

20 (d) DUTIES.—In carrying out the study required
21 under subsection (b), the Working Group shall analyze—

22 (1) the use of covered resources in transpor-
23 tation projects funded with Federal dollars;

1 (2) how the proximity of covered resources to
2 such projects affects the cost and environmental im-
3 pact of those projects;

4 (3) whether and how State, Tribal, and local
5 transportation and planning agencies consider cov-
6 ered resources when developing transportation
7 projects; and

8 (4) any challenges for transportation project
9 sponsors regarding access and proximity to covered
10 resources.

11 (e) CONSULTATION.—In carrying out the study re-
12 quired under subsection (b), the Working Group shall con-
13 sult with, as appropriate—

14 (1) chief executive officers of States;

15 (2) State, Tribal, and local transportation and
16 planning agencies;

17 (3) other relevant State, Tribal, and local agen-
18 cies, including State agencies associated with cov-
19 ered resources protection;

20 (4) members of the public with industry experi-
21 ence with respect to covered resources;

22 (5) other Federal entities that provide funding
23 for transportation projects; and

24 (6) any other stakeholder the Working Group
25 determines appropriate.

1 (f) REPORTS.—

2 (1) WORKING GROUP REPORT.—Not later than
3 2 years after the date on which the Working Group
4 is established, the Working Group shall submit to
5 the Secretary a report that includes—

6 (A) the findings of the study required
7 under subsection (b), including a summary of
8 comments received during the consultation
9 process under subsection (e); and

10 (B) any recommendations to preserve ac-
11 cess to and reduce the costs and environmental
12 impacts of covered resources for infrastructure
13 projects.

14 (2) DEPARTMENTAL REPORT.—Not later than
15 90 days after the date on which the Secretary re-
16 ceives the report under paragraph (1), the Secretary
17 shall submit to the Committee on Transportation
18 and Infrastructure of the House of Representatives
19 and the Committee on Environment and Public
20 Works of the Senate a summary of the findings
21 under the report and any recommendations, as ap-
22 propriate.