

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.

S. 1813

To reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by _____ to the amendment (No. 1761) proposed by Mr. REID

Viz:

1 On page 1, line 7, strike “4” and insert “6”.

2 On page 2, between lines 1 and 2, insert the fol-
3 lowing:

4 (5) Division E—Research and Education.

5 (6) Division F—Budgetary Effects.

6 On page 21, strike lines 5 through 10 and insert the
7 following:

8 the unobligated balance of amounts—

1 (A) made available from the Highway
2 Trust Fund (other than the Mass Transit Ac-
3 count) for Federal-aid highway and highway
4 safety construction programs for previous fiscal
5 years the funds for which are allocated by the
6 Secretary (or apportioned by the Secretary
7 under sections 202 or 204 of title 23, United
8 States Code); and

9 (B) for which obligation authority was pro-
10 vided in a previous fiscal year;

11 On page 22, strike lines 6 through 9 and insert the
12 following:

13 each of the programs (other than programs to which
14 paragraph (1) applies) that are allocated by the Sec-
15 retary under this Act and title 23, United States
16 Code, or apportioned by the Secretary under sections
17 202 or 204 of that title, by multiplying—

18 On page 22, line 25, insert “and the amounts appor-
19 tioned under section 204 of that title” after “(b)(12)”.

20 On page 24, line 8, strike “title II” and insert “divi-
21 sion E”.

1 On page 24, line 23, insert “(excluding funds author-
2 ized for the program under section 202 of title 23, United
3 States Code)” after “funds”.

4 On page 25, line 5, insert “(or will not be apportioned
5 to the States under section 204 of title 23, United States
6 Code)” after “States”.

7 On page 25, strike lines 17 through 20.

8 On page 84, strike line 6 and insert the following:
9 tory shall be considered to be a Governor of a State.

10 “(g) PROTECTING PUBLIC SAFETY AND MAINTAIN-
11 ING ROADWAYS.—The Secretary may use amounts from
12 the emergency fund authorized by this section to carry out
13 projects that the Secretary determines are necessary to
14 protect public safety or to maintain or protect roadways
15 that have been included within the scope of a prior emer-
16 gency declaration in order to maintain the continuation
17 of roadway services on roads that are threatened by con-
18 tinuous or frequent flooding.”.

19 On page 94, strike line 6 and all that follows through
20 page 95, line 7, and insert the following:

1 “(A) SET-ASIDE.—Of the amounts appor-
2 tioned to a State for fiscal year 2012 and each
3 fiscal year thereafter under this section, the
4 State shall obligate for activities described in
5 subsection (c)(2) for off-system bridges an
6 amount that is not less than 15 percent of the
7 amount of funds apportioned to the State for
8 the highway bridge program for fiscal year
9 2009.

10 “(B) REDUCTION OF EXPENDITURES.—
11 The Secretary, after consultation with State
12 and local officials, may reduce the requirement
13 for expenditures for off-system bridges under
14 subparagraph (A) with respect to the State if
15 the Secretary determines that the State has in-
16 adequate needs to justify the expenditure.

17 On page 167, strike lines 1 through 3 and insert the
18 following:

19 “(V) a school district, local edu-
20 cation agency, or school;

21 “(VI) a tribal government; and

22 “(VII) any other local or regional

23 On page 168, strike line 21 and insert the following:

1 “a Federal-aid highway under this chapter.

2 “(7) CONTINUATION OF CERTAIN REC-
3 REATIONAL TRAILS PROJECTS.—Each State that
4 does not opt out of this paragraph shall—

5 “(A) obligate an amount of funds reserved
6 under this section equal to the amount of the
7 funds apportioned to the State for fiscal year
8 2009 under section 104(h)(2) for projects relat-
9 ing to recreational trails under section 206;

10 “(B) return 1 percent of those funds to the
11 Secretary for the administration of that pro-
12 gram; and

13 “(C) comply with the provisions of the ad-
14 ministration of the recreational trails program
15 under section 206, including the use of appor-
16 tioned funds described under subsection
17 (d)(3)(A) of that section.

18 “(8) STATE FLEXIBILITY.—A State may opt
19 out of the recreational trails program under para-
20 graph (7) if the Governor of the State notifies the
21 Secretary not later than 30 days prior to appor-
22 tions being made for any fiscal year.”.

1 On page 210, line 19, strike “ADMINISTRATIVE EX-
2 PENSES” and insert “TRIBAL TECHNICAL ASSISTANCE
3 CENTERS”.

4 Beginning on page 217, strike line 15 and all that
5 follows through page 218, line 1, and insert the following:

6 “(aa) for each Indian tribe,
7 80 percent of the total relative
8 need distribution factor and pop-
9 ulation adjustment factor for the
10 fiscal year 2011 funding amount
11 made available to that Indian
12 tribe; and

13 “(bb) the remainder using
14 tribal shares as described in sub-
15 paragraphs (B) and (C).

16 “(II) For fiscal year 2013—

17 “(aa) for each Indian tribe,
18 60 percent of the total relative
19 need distribution factor and pop-
20 ulation adjustment factor for the
21 fiscal year 2011 funding amount
22 made available to that Indian
23 tribe; and

1 “(bb) the remainder using
2 tribal shares as described in sub-
3 paragraphs (B) and (C).

4 “(III) For fiscal year 2014—

5 “(aa) for each Indian tribe,
6 40 percent of the total relative
7 need distribution factor and pop-
8 ulation adjustment factor for the
9 fiscal year 2011 funding amount
10 made available to that Indian
11 tribe; and

12 “(bb) the remainder using
13 tribal shares as described in sub-
14 paragraphs (B) and (C).

15 “(IV) For fiscal year 2015—

16 “(aa) for each Indian tribe,
17 20 percent of the total relative
18 need distribution factor and pop-
19 ulation adjustment factor for the
20 fiscal year 2011 funding amount
21 made available to that Indian
22 tribe; and

23 “(bb) the remainder using
24 tribal shares as described in sub-
25 paragraphs (B) and (C).

1 “(V) For fiscal year 2016 and

2 On page 221, line 25, strike “\$27,500,000” and in-
3 sert “\$82,500,000”.

4 On page 243, line 20, strike “the road” and insert
5 “the road unless the Secretary determines that the bicycle
6 level of service on that roadway is rated B or higher”.

7 On page 267, between lines 4 and 5, insert the fol-
8 lowing:

9 **SEC. 11 ____ . CONSTRUCTION OF FERRY BOATS AND FERRY**
10 **TERMINAL FACILITIES.**

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

14 (1) by striking subsections (c), (d), and (e);

15 (2) by redesignating subsection (f) as sub-
16 section (g); and

17 (3) by inserting after subsection (b) the fol-
18 lowing:

19 “(c) DISTRIBUTION OF FUNDS.—Of the amounts
20 made available to ferry systems and public entities respon-
21 sible for developing ferries under this section for a fiscal

1 year, 100 percent shall be allocated in accordance with the
2 formula set forth in subsection (d).

3 “(d) FORMULA.—Of the amounts allocated pursuant
4 to subsection (c)—

5 “(1) 20 percent shall be allocated among eligi-
6 ble entities in the proportion that—

7 “(A) the number of ferry passengers car-
8 ried by each ferry system in the most recent fis-
9 cal year; bears to

10 “(B) the number of ferry passengers car-
11 ried by all ferry systems in the most recent fis-
12 cal year;

13 “(2) 50 percent shall be allocated among eligi-
14 ble entities in the proportion that—

15 “(A) the number of vehicles carried by
16 each ferry system in the most recent fiscal year;
17 bears to

18 “(B) the number of vehicles carried by all
19 ferry systems in the most recent fiscal year;
20 and

21 “(3) 30 percent shall be allocated among eligi-
22 ble entities in the proportion that—

23 “(A) the total route miles serviced by each
24 ferry system; bears to

1 “(B) the total route miles serviced by all
2 ferry systems.

3 “(e) FERRY BOAT COORDINATION TEAM.—

4 “(1) ESTABLISHMENT.—The Secretary shall es-
5 tablish within the Federal Highway Administration
6 a Ferry Boat Coordination Team to carry out para-
7 graph (2).

8 “(2) PURPOSES.—The purposes of the ferry
9 boat coordination team shall be—

10 “(A) to coordinate Federal programs af-
11 fecting ferry and ferry facility construction,
12 maintenance, operations, and security; and

13 “(B) to promote transportation by ferry as
14 a component of the United States transpor-
15 tation system.

16 “(3) FUNCTIONS.—The ferry boat coordination
17 team shall—

18 “(A) coordinate programs relating to ferry
19 transportation carried out by—

20 “(i) the Department of Transpor-
21 tation, including programs carried out by
22 the Federal Highway Administration, the
23 Federal Transit Administration, the Mari-
24 time Administration, and the Research and
25 Innovative Technology Administration;

1 “(ii) the Department of Homeland Se-
2 curity; and

3 “(iii) other Federal and State agen-
4 cies, as appropriate;

5 “(B) ensure resource accountability for
6 programs carried out by the Secretary relating
7 to ferry transportation;

8 “(C) provide strategic leadership for re-
9 search, development, testing, and deployment of
10 technologies relating to ferry transportation;
11 and

12 “(D) promote ferry transportation as a
13 means to reduce costs associated with traffic
14 congestion.

15 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated to carry out this section
17 \$67,000,000 for each of fiscal years 2012 and 2013.”.

18 (b) NATIONAL FERRY DATABASE.—Section 1801(e)
19 of the SAFETEA-LU (23 U.S.C. 129 note; Public Law
20 109–59) is amended—

21 (1) in paragraph (2), by inserting “, including
22 any Federal, State, and local government funding
23 sources,” after “sources”; and

24 (2) in paragraph (4)—

12

1 (A) in subparagraph (B), by striking
2 “and” at the end;

3 (B) by redesignating subparagraph (C) as
4 subparagraph (D);

5 (C) by inserting after subparagraph (B),
6 the following:

7 “(C) ensure that the database is consistent
8 with the national transit database maintained
9 by the Federal Transit Administration; and”;
10 and

11 (D) in subparagraph (D) (as redesignated
12 by subparagraph (B)), by striking “2009” and
13 inserting “2013”.

14 Beginning on page 275, strike line 13 and all that
15 follows through page 276, line 6, and insert the following:

16 “(B) POPULATION OF FEWER THAN
17 200,000.—

18 “(i) IN GENERAL.—A designation of
19 an existing MPO for an urbanized area
20 with a population of fewer than 200,000
21 individuals, as calculated according to the
22 most recent decennial census, shall remain
23 in effect until the date on which the exist-

1 ing MPO is redesignated under paragraph
2 (6) unless—

3 “(I) the existing MPO requests
4 that its planning responsibilities be
5 transferred to the State or to another
6 planning organization designated by
7 the State; or

8 “(II) the Secretary determines 3
9 years after the date on which the Sec-
10 retary issues a rule pursuant to sub-
11 section (e)(4)(B)(i), that the existing
12 MPO is not meeting the minimum re-
13 quirements established by the rule.

14 “(ii) JUSTIFICATION.—The Secretary
15 shall, in a timely manner, provide a sub-
16 stantive written justification to each metro-
17 politan planning organization that is the
18 subject of a negative determination of the
19 Secretary under clause (i)(II).

20 On page 276, lines 7 and 8, strike “the applicable
21 Governor, acting on behalf of”.

22 On page 276, line 17, strike “and”.

1 include the minimum requirements estab-
2 lished under clause (ii).

3 “(iv) INCLUSION.—A metropolitan

4 On page 336, strike lines 9 through 12, and insert
5 the following:

6 “(iv) a congestion mitigation and air
7 quality performance plan developed under
8 section 149(k) by a tier I metropolitan
9 planning organization (as defined in sec-
10 tion 134) representing a nonattainment or
11 maintenance area;

12 “(v) safety plans developed by pro-
13 viders of public transportation; and

14 “(vi) the national freight strategic
15 plan.

16 On page 337, strike lines 7 though 15, and insert
17 the following:

18 “(A) IN GENERAL.—Each State shall pro-
19 vide to—

20 “(i) nonmetropolitan local elected offi-
21 cials an opportunity to participate in ac-
22 cordance with subparagraph (B)(i); and

1 “(ii) affected individuals, public agen-
2 cies, and other interested parties notice
3 and a reasonable opportunity to comment
4 on the statewide transportation plan and
5 statewide transportation improvement pro-
6 gram.

7 “(B) METHODS.—In carrying out this
8 paragraph, the State shall—

9 “(i) develop and document a consult-
10 ative process to carry out subparagraph
11 (A)(i) that is separate and discrete from
12 the public involvement process developed
13 under clause (ii);

14 On page 337, line 16, strike “(i)” and insert “(ii)”.

15 On page 338, line 1, strike “(ii)” and insert “(iii)”.

16 On page 338, line 8, strike “(iii)” and insert “(iv)”.

17 On page 338, line 12, strike “(iv)” and insert “(v)”.

18 On page 359, lines 18 and 19, strike “applicable Fed-
19 eral law” and insert “this section and applicable Federal
20 law (including rules and regulations)”.

1 On page 359, line 20, insert “not later than 180 days
2 after the date of enactment of the MAP-21 and” after
3 “certify,”.

4 On page 359, line 21, insert “thereafter” after
5 “years”.

6 On page 387, strike lines 4 through 6 and insert the
7 following:

8 “(i) in subparagraph (B)—

9 “(I) in clause (i), by striking
10 ‘but’; and

11 “(II) by striking clause (ii) and
12 inserting the following:

13 “(ii) at the request of the State, the
14 Secretary may also assign to the State,
15 and the State may assume, the responsibil-
16 ities of the Secretary with respect to 1 or
17 more railroad, public transportation, or
18 multimodal projects within the State under
19 the National Environmental Policy Act of
20 1969 (42 U.S.C. 4321 et seq.);

21 “(iii) in a State that has assumed the
22 responsibilities of the Secretary under
23 clause (ii), a recipient of assistance under

1 chapter 53 of title 49 may request that the
2 Secretary maintain the responsibilities of
3 the Secretary with respect to 1 or more
4 public transportation projects within the
5 State under the National Environmental
6 Policy Act of 1969 (42 U.S.C. 13 4321 et
7 seq.); but
8 “(iv) the Secretary may not assign—

9 Beginning on page 434, strike line 5 and all that fol-
10 lows through page 436, line 20.

11 Beginning on page 453, strike line 19 and all that
12 follows through page 455, line 24, and insert the following:

13 **SEC. 1510. HOV FACILITIES.**

14 (a) IN GENERAL.—Section 166 of title 23, United
15 States Code, is amended to read as follows:

16 **“§ 166. HOV facilities**

17 “(a) DEFINITIONS.—In this section, the following
18 definitions apply:

19 “(1) ALTERNATIVE FUEL VEHICLE.—The term
20 ‘alternative fuel vehicle’ means a dedicated vehicle
21 that is operating solely on—

22 “(A) methanol, denatured ethanol, or other
23 alcohols;

1 “(B) a mixture containing at least 85 per-
2 cent of methanol, denatured ethanol, and other
3 alcohols by volume with gasoline or other fuels;

4 “(C) natural gas;

5 “(D) liquefied petroleum gas;

6 “(E) hydrogen;

7 “(F) fuels (except alcohol) derived from bi-
8 ological materials;

9 “(G) electricity (including electricity from
10 solar energy); or

11 “(H) any other fuel that the Secretary pre-
12 scribes by regulation that is not substantially
13 petroleum and that would yield substantial en-
14 ergy security and environmental benefits, in-
15 cluding fuels regulated under section 490 of
16 title 10, Code of Federal Regulations (or suc-
17 cessor regulations).

18 “(2) HOV FACILITY.—The term ‘HOV facility’
19 means a high occupancy vehicle facility.

20 “(3) PUBLIC TRANSPORTATION VEHICLE.—The
21 term ‘public transportation vehicle’ means a vehicle
22 that—

23 “(A) provides designated public transpor-
24 tation (as defined in section 221 of the Ameri-
25 cans with Disabilities Act of 1990 (42 U.S.C.

1 12141)) or provides public school transpor-
2 tation (to and from public or private primary,
3 secondary, or tertiary schools); and

4 “(B)(i) is owned or operated by a public
5 entity;

6 “(ii) is operated under a contract with a
7 public entity; or

8 “(iii) is operated pursuant to a license by
9 the Secretary or a State agency to provide
10 motorbus or school vehicle transportation serv-
11 ices to the public.

12 “(4) STATE AGENCY.—

13 “(A) IN GENERAL.—The term ‘State agen-
14 cy’, as used with respect to a HOV facility,
15 means an agency of a State or local government
16 having jurisdiction over the operation of the fa-
17 cility.

18 “(B) INCLUSION.—The term ‘State agen-
19 cy’ includes a State transportation department.

20 “(b) STATE REQUIREMENTS.—

21 “(1) AUTHORITY OF STATE AGENCIES.—A
22 State agency that has jurisdiction over the operation
23 of a HOV facility shall establish the occupancy re-
24 quirements of vehicles operating on the facility.

1 “(2) OCCUPANCY REQUIREMENT.—Except as
2 otherwise provided by this section, no fewer than 2
3 occupants per vehicle may be required for use of a
4 HOV facility.

5 “(c) EXCEPTIONS.—

6 “(1) IN GENERAL.—Notwithstanding the occu-
7 pancy requirement of subsection (b)(2), the excep-
8 tions in paragraphs (2) through (5) shall apply with
9 respect to a State agency operating a HOV facility.

10 “(2) MOTORCYCLES AND BICYCLES.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), the State agency shall allow motor-
13 cycles and bicycles to use the HOV facility.

14 “(B) SAFETY EXCEPTION.—

15 “(i) IN GENERAL.—A State agency
16 may restrict use of the HOV facility by
17 motorcycles or bicycles (or both) if the
18 agency certifies to the Secretary that such
19 use would create a safety hazard and the
20 Secretary accepts the certification.

21 “(ii) ACCEPTANCE OF CERTIFI-
22 CATION.—The Secretary may accept a cer-
23 tification under this subparagraph only
24 after the Secretary publishes notice of the
25 certification in the Federal Register and

1 provides an opportunity for public com-
2 ment.

3 “(3) PUBLIC TRANSPORTATION VEHICLES.—

4 The State agency may allow public transportation
5 vehicles to use the HOV facility if the agency estab-
6 lishes—

7 “(A) requirements for clearly identifying
8 the vehicles; and

9 “(B) procedures for enforcing the restric-
10 tions on the use of the facility by the vehicles.

11 “(4) HIGH OCCUPANCY TOLL VEHICLES.—The
12 State agency may allow vehicles not otherwise ex-
13 empt pursuant to this subsection to use the HOV fa-
14 cility if the operators of the vehicles pay a toll
15 charged by the agency for use of the facility and the
16 agency—

17 “(A) establishes a program that addresses
18 how motorists can enroll and participate in the
19 toll program;

20 “(B) develops, manages, and maintains a
21 system that will automatically collect the toll;
22 and

23 “(C) establishes policies and procedures—

1 “(i) to manage the demand to use the
2 facility by varying the toll amount that is
3 charged; and

4 “(ii) to enforce violations of use of the
5 facility.

6 “(5) ALTERNATIVE FUEL VEHICLES AND NEW
7 QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHI-
8 CLES.—

9 “(A) USE OF HOV FACILITIES.—For a pe-
10 riod beginning not later than 1 year after the
11 date of enactment of this section and ending on
12 September 30, 2017, the State agency—

13 “(i) may allow alternative fuel vehicles
14 and new qualified plug-in electric drive
15 motor vehicles (as defined in section
16 30D(d)(1) of the Internal Revenue Code of
17 1986), to use HOV facilities in the State;
18 and

19 “(ii) shall establish procedures for use
20 in enforcing the restrictions on that use of
21 HOV facilities by those vehicles.

22 “(B) EXISTING PROGRAMS AND PROCE-
23 DURES.—The State agency shall—

24 “(i) not later than 1 year after the
25 date of enactment of this section, develop

1 and publish in the Federal Register a plan
2 for use in—

3 “(I) revising the HOV facility
4 programs and procedures of the State
5 agency to ensure that those programs
6 and procedures are in compliance with
7 this section; and

8 “(II) notifying the public of any
9 upcoming changes in vehicle eligibility
10 for HOV facility usage; and

11 “(ii) not later than 3 years after the
12 date of enactment of this section, update
13 HOV facility programs and procedures in
14 accordance with the plan described in
15 clause (i).

16 “(d) REQUIREMENTS APPLICABLE TO TOLLS.—

17 “(1) IN GENERAL.—Notwithstanding sections
18 129 and 301, and except as provided in paragraph
19 (2), tolls may be charged under subsection (c)(4).

20 “(2) EXCESS TOLL REVENUES.—If a State
21 agency makes a certification under section 129(a)(3)
22 with respect to toll revenues collected under sub-
23 section (c)(4), the State, in the use of toll revenues
24 under subsection (c)(4), shall give priority consider-
25 ation to projects for developing alternatives to single

1 occupancy vehicle travel and projects for improving
2 highway safety.

3 “(e) HOV FACILITY MANAGEMENT, OPERATION,
4 MONITORING, AND ENFORCEMENT.—

5 “(1) IN GENERAL.—A State agency that allows
6 vehicles to use a HOV facility under paragraph (4)
7 or (5) of subsection (c) shall submit to the Secretary
8 a report demonstrating that the facility is not al-
9 ready degraded, and that the presence of the vehi-
10 cles will not cause the facility to become degraded,
11 and certify that the agency will carry out the fol-
12 lowing responsibilities with respect to the facility:

13 “(A) Establishing, managing, and sup-
14 porting a performance monitoring, evaluation,
15 and reporting program for the HOV facility
16 that provides for continuous monitoring, assess-
17 ment, and reporting on the impacts that the ve-
18 hicles may have on the operation of the facility
19 and adjacent highways and submitting to the
20 Secretary annual reports of those impacts.

21 “(B) Establishing, managing, and sup-
22 porting an enforcement program that ensures
23 that the HOV facility is being operated in ac-
24 cordance with this section.

1 “(C) Limiting or discontinuing the use of
2 the HOV facility by the vehicles, whenever the
3 operation of the facility is degraded, that re-
4 quires such a limitation or discontinuation of
5 use to apply first to vehicles using the HOV fa-
6 cility under subsection (c)(4) before applying to
7 vehicles using the HOV facility under sub-
8 section (c)(5).

9 “(D) MAINTENANCE OF OPERATING PER-
10 FORMANCE.—A facility that has become de-
11 graded shall be brought back into compliance
12 with the minimum average operating speed per-
13 formance standard by not later than 180 days
14 after the date on which the degradation is iden-
15 tified through changes to operation, including
16 the following:

17 “(i) Increase the occupancy require-
18 ment for HOVs.

19 “(ii) Increase the toll charged for ve-
20 hicles allowed under subsection (b) to re-
21 duce demand.

22 “(iii) Charge tolls to any class of vehi-
23 cle allowed under subsection (b) that is not
24 already subject to a toll.

1 “(iv) Limit or discontinue allowing ve-
2 hicles under subsection (b).

3 “(v) Increase the available capacity of
4 the HOV facility.

5 “(E) COMPLIANCE.—If the State fails to
6 bring a facility into compliance under subpara-
7 graph (D), the Secretary shall subject the State
8 to appropriate program sanctions under section
9 1.36 of title 23, Code of Federal Regulations
10 (or successor regulations), until the perform-
11 ance is no longer degraded.

12 “(2) DEGRADED FACILITY.—

13 “(A) DEFINITION OF MINIMUM AVERAGE
14 OPERATING SPEED.—In this paragraph, the
15 term ‘minimum average operating speed’ means
16 less than 65 percent of the HOV facility rated
17 speed limit.

18 “(B) STANDARD FOR DETERMINING DE-
19 GRADED FACILITY.—For purposes of paragraph
20 (1), the operation of a HOV facility shall be
21 considered to be degraded if vehicles operating
22 on the HOV facility are failing to maintain a
23 minimum average operating speed 65 percent of
24 the time over a consecutive 180-day period dur-

1 ing morning or evening weekday peak hour pe-
2 riods (or both).”.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the Secretary and the States should provide ad-
5 ditional incentives (including the use of high occupancy
6 vehicle lanes on State highways and routes on the Inter-
7 state System) for the purchase and use of advanced tech-
8 nology and dedicated alternative fuel vehicles, which have
9 been proven to minimize air emissions and decrease con-
10 sumption of fossil fuels.

11 On page 473, line 11, strike “147,”.

12 On page 473, line 17, strike “147,”.

13 On page 490, between lines 3 and 4, insert the fol-
14 lowing:

15 **SEC. 15 ____ . APPALACHIAN DEVELOPMENT HIGHWAY SYS-**
16 **TEM.**

17 (a) SENSE OF THE SENATE.—It is the Sense of the
18 Senate that the timely completion of the Appalachian de-
19 velopment highway system is a transportation priority in
20 the national interest.

21 (b) MODIFIED FEDERAL SHARE FOR PROJECTS ON
22 ADHS.—For fiscal years 2012 through 2021, the Federal

1 share payable for the cost of constructing highways and
2 access roads on the Appalachian development highway sys-
3 tem under section 14501 of title 40, United States Code,
4 with funds made available to a State for fiscal year 2012
5 or a previous fiscal year for the Appalachian development
6 highway system program, or with funds made available for
7 fiscal year 2012 or a previous fiscal year for a specific
8 project, route, or corridor on that system, shall be 100
9 percent.

10 (c) FEDERAL SHARE FOR OTHER FUNDS USED ON
11 ADHS.—For fiscal years 2012 through 2021, the Federal
12 share payable for the cost of constructing highways and
13 access roads on the Appalachian development highway sys-
14 tem under section 14501 of title 40, United States Code,
15 with Federal funds apportioned to a State for a program
16 other than the Appalachian development highway system
17 program shall be 100 percent.

18 (d) COMPLETION PLAN.—Not later than 1 year after
19 the date of enactment of the MAP-21, each State rep-
20 resented on the Appalachian Regional Commission shall
21 establish a plan for the completion of the designated cor-
22 ridors of the Appalachian development highway system
23 within the State, including annual performance targets,
24 with a target completion date.

1 **SEC. 15____. DENALI COMMISSION.**

2 The Denali Commission Act of 1998 (42 U.S.C. 3121
3 note) is amended—

4 (1) in section 305, by striking subsection (c)
5 and inserting the following:

6 “(c) GIFTS.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2), the Commission, on behalf of the United
9 States, may accept use, and dispose of gifts or dona-
10 tions of services, property, or money for purposes of
11 carrying out this Act.

12 “(2) CONDITIONAL.—With respect to condi-
13 tional gifts—

14 “(A)(i) the Commission, on behalf of the
15 United States, may accept conditional gifts for
16 purposes of carrying out this Act, if approved
17 by the Federal Cochairperson; and

18 “(ii) the principal of and income from any
19 such conditional gift shall be held, invested, re-
20 invested, and used in accordance with the con-
21 dition applicable to the gift; but

22 “(B) no gift shall be accepted that is con-
23 ditioned on any expenditure not to be funded
24 from the gift or from the income generated by
25 the gift unless the expenditure has been ap-
26 proved by Act of Congress.”; and

1 (2) by adding at the end the following:

2 **“SEC. 311. TRANSFER OF FUNDS FROM OTHER FEDERAL**
3 **AGENCIES.**

4 “(a) IN GENERAL.—Subject to subsection (c), for
5 purposes of this Act, the Commission may accept transfers
6 of funds from other Federal agencies.

7 “(b) TRANSFERS.—Any Federal agency authorized to
8 carry out an activity that is within the authority of the
9 Commission may transfer to the Commission any appro-
10 priated funds for the activity.

11 “(c) TREATMENT.—Any funds transferred to the
12 Commission under this subsection—

13 “(1) shall remain available until expended; and

14 “(2) may, to the extent necessary to carry out
15 this Act, be transferred to, and merged with, the
16 amounts made available by appropriations Acts for
17 the Commission by the Federal Cochairperson.”.

18 **SEC. 15 ___. UPDATED CORROSION CONTROL AND PREVEN-**
19 **TION REPORT.**

20 Not later than 30 months after the date of enactment
21 of this Act, the Secretary shall submit to Congress an up-
22 dated report on the costs and benefits of the prevention
23 and control of corrosion on the surface transportation in-
24 frastructure of the United States.

1 **SEC. 15___ . HARBOR MAINTENANCE TRUST FUND.**

2 (a) FINDINGS.—Congress finds that—

3 (1) there are 926 coastal, Great Lakes, and in-
4 land harbors maintained by the Corps of Engineers;

5 (2) according to the Bureau of Transportation
6 Statistics—

7 (A) in 2009, the ports and waterways of
8 the United States handled more than
9 2,200,000,000 short tons of imports, exports,
10 and domestic shipments; and

11 (B) in 2010, United States ports were re-
12 sponsible for more than \$1,400,000,000,000 in
13 waterborne imports and exports;

14 (3) according to the Congressional Research
15 Service, full channel dimensions are, on average,
16 available approximately $\frac{1}{3}$ of the time at the 59 har-
17 bors of the United States with the highest use rates;

18 (4) insufficient maintenance dredging of the
19 navigation channels of the United States results in
20 inefficient water transportation and causes harmful
21 economic consequences;

22 (5) in 1986, Congress created the Harbor
23 Maintenance Trust Fund to provide funds for the
24 operation and maintenance of the navigation chan-
25 nels of the United States;

1 (6) in fiscal year 2012, the Harbor Maintenance
2 Trust Fund is expected to grow from
3 \$6,280,000,000 to \$7,011,000,000, an increase of
4 approximately 13 percent;

5 (7) despite the growth of the Harbor Maintenance
6 Trust Fund, expenditures from the Fund have
7 not equaled revenues, and the Fund is not being
8 fully used for the intended purpose of the Fund; and

9 (8) inadequate investment in dredging needs is
10 restricting access to the ports of the United States
11 for domestic shipping, imports, and exports and
12 therefore threatening the economic competitiveness
13 of the United States.

14 (b) SENSE OF THE SENATE.—It is the sense of the
15 Senate that—

16 (1) the Administration should request full use
17 of the Harbor Maintenance Trust Fund for oper-
18 ating and maintaining the navigation channels of the
19 United States;

20 (2) the amounts in the Harbor Maintenance
21 Trust Fund should be fully expended to operate and
22 maintain the navigation channels of the United
23 States; and

24 (3) Congress should ensure that other pro-
25 grams, projects, and activities of the Civil Works

1 Program of the Corps of Engineers, especially those
2 programs, projects, and activities relating to inland
3 navigation and flood control, are not adversely im-
4 pacted.

5 **SEC. 15 ____ . ENRICHMENT TECHNOLOGY AND INTELLEC-**
6 **TUAL PROPERTY.**

7 (a) In addition to any other transfer authority, the
8 Secretary may transfer, not earlier than thirty days after
9 certification to the Committees on Appropriations of the
10 House of Representatives and the Senate that such trans-
11 fer is needed for national security reasons, and after Con-
12 gressional notification and approval of the Committees on
13 Appropriations of the House of Representatives and the
14 Senate, up to \$150,000,000 made available in prior Ap-
15 propriations Acts to further the development and dem-
16 onstration of national security-related enrichment tech-
17 nologies. No amounts may be transferred under this sec-
18 tion from amounts that were designated by the Congress
19 as an emergency requirement pursuant to the Concurrent
20 Resolution on the Budget or the Balanced Budget and
21 Emergency Deficit Control Act of 1985, as amended.

22 (b) The Secretary shall provide, directly or indirectly,
23 Federal funds, resources, or other benefit for the research,
24 development, or deployment of domestic enrichment tech-
25 nology under this section—

1 (1) using merit selection procedures; and

2 (2) only if the Secretary shall execute an agree-
3 ment with the recipient (or any affiliate, successor,
4 or assignee) of such funds, resources, or other ben-
5 efit (hereinafter referred to as the “recipient”),
6 which shall require, at a minimum—

7 (A) the achievement of specific technical
8 criteria by the recipient by specific dates no
9 later than June 30, 2014;

10 (B) that the recipient shall—

11 (i) immediately upon execution of the
12 agreement, grant to the United States for
13 use by or on behalf of the United States,
14 through the Secretary, a royalty-free, non-
15 exclusive license in all enrichment-related
16 intellectual property and associated tech-
17 nical data owned, licensed or otherwise
18 controlled by the recipient as of the date of
19 enactment of this Act, or thereafter devel-
20 oped or acquired to meet the requirements
21 of the agreement;

22 (ii) amend any existing agreement be-
23 tween the Secretary and the recipient to
24 permit the Secretary to practice or permit
25 third parties on behalf of the Secretary to

1 practice intellectual property and associ-
2 ated technical data related to the award of
3 funds, resources, or other benefit royalty-
4 free for government purposes, including
5 completing or operating enrichment tech-
6 nologies and using them for national de-
7 fense purposes, such as providing nuclear
8 material to operate commercial nuclear
9 power reactors for tritium production; and

10 (iii) as soon as practicable, deliver to
11 the Secretary all technical information and
12 other documentation in its possession or
13 control necessary to permit the Secretary
14 to use and practice all intellectual property
15 related to domestic enrichment tech-
16 nologies; and

17 (C) any other condition or restriction the
18 Secretary determines is necessary to protect the
19 interests of the United States.

20 (e) If the Secretary determines that a recipient has
21 not achieved the technical criteria under the agreement
22 pursuant to subsection (b), either by the dates specified
23 in the original agreement or by June 30, 2014, whichever
24 is earlier, the recipient shall, as soon as practicable, sur-
25 render custody, possession and control, or return, as ap-

1 appropriate, any real or personal property owned or leased
2 by the recipient, to the Secretary in connection with the
3 deployment of enrichment technology, along with all cap-
4 ital improvements, equipment, fixtures, appurtenances,
5 and other improvements thereto, and any further obliga-
6 tion by the Secretary under any such lease shall terminate.

7 (d)(1) The limitations in this section shall apply to
8 funds made available in this Act, prior Appropriations
9 Acts, and any future Appropriations Acts.

10 (2) This section shall not apply with regard to
11 the issuance of any loan guarantee pursuant to sec-
12 tion 1703 of the Energy Policy Act of 2005 (42
13 U.S.C. 16513).

14 (e) For purpose of this section, the term “Secretary”
15 shall mean the Secretary of the Department of Energy.

16 Beginning on page 490, strike line 4 and all that fol-
17 lows through page 609, line 17, and insert the following:

18 **TITLE II—AMERICA FAST FOR-**
19 **WARD FINANCING INNOVA-**
20 **TION**

21 **SEC. 2001. SHORT TITLE.**

22 On page 645, strike lines 1 through 3 and insert the
23 following:

1 **TITLE III—HIGHWAY SPENDING**
2 **CONTROLS**

3 **SEC. 3001. HIGHWAY SPENDING CONTROLS.**

4 On page 669, line 17, strike “as of” and insert “on”.

5 On page 671, strike lines 1 through 6 and insert the
6 following:

7 “(B) INCLUSIONS.—The term ‘nonmetro-
8 politan area’ includes—

9 “(i) a small urbanized area with a
10 population of more than 50,000, but fewer
11 than 200,000 individuals, as calculated ac-
12 cording to the most recent decennial cen-
13 sus; and

14 “(ii) a nonurbanized area.

15 On page 672, strike lines 4 through 20 and insert
16 the following:

17 “(11) RURAL PLANNING ORGANIZATION.—The
18 term ‘rural planning organization’ means an organi-
19 zation that—

20 “(A) is responsible for the planning, co-
21 ordination, and implementation of statewide
22 transportation plans and programs outside of

1 metropolitan areas, with an emphasis on ad-
2 dressing the needs of rural areas of a State;

3 “(B) is not designated as a tier I MPO, a
4 tier II MPO, or a nonmetropolitan planning or-
5 ganization.

6 On page 676, strike line 4 and all that follows
7 through page 677, line 14, and insert the following:

8 “(5) CONTINUING DESIGNATION.—

9 “(A) POPULATION OF 200,000 OR MORE.—

10 A designation of an existing MPO for an urban-
11 ized area with a population of 200,000 or more
12 individuals, as calculated according to the most
13 recent decennial census, shall remain in ef-
14 fect—

15 “(i) for the period during which the
16 structure of the existing MPO complies
17 with the requirements of paragraph (1); or

18 “(ii) until the date on which the exist-
19 ing MPO is redesignated under paragraph
20 (6).

21 “(B) POPULATION OF FEWER THAN
22 200,000.—

23 “(i) IN GENERAL.—A designation of
24 an existing MPO for an urbanized area

1 with a population of fewer than 200,000
2 individuals, as calculated according to the
3 most recent decennial census, shall remain
4 in effect until the date on which the exist-
5 ing MPO is redesignated under paragraph
6 (6) unless—

7 “(I) the existing MPO requests
8 that its planning responsibilities be
9 transferred to the State or to another
10 planning organization designated by
11 the State; or

12 “(II)(aa) the Secretary deter-
13 mines 3 years after the date on which
14 the Secretary issues a rule pursuant
15 to subsection (e)(4)(B)(i), that the ex-
16 isting MPO is not meeting the min-
17 imum requirements established by the
18 rule; and

19 “(bb) the Secretary approves the
20 Governor’s determination.

21 “(ii) WRITTEN JUSTIFICATION.—The
22 Secretary shall in a timely manner provide
23 a substantive written justification to each
24 metropolitan planning organization that is

1 the subject of a negative determination of
2 the Secretary under clause (i)(II).

3 “(C) EXTENSION.—If a metropolitan plan-
4 ning organization for an urbanized area with a
5 population of less than 200,000 that would oth-
6 erwise be terminated under subparagraph (B),
7 requests a probationary continuation before the
8 termination of the metropolitan planning orga-
9 nization, the Secretary shall—

10 “(i) delay the termination of the met-
11 ropolitan planning organization under sub-
12 paragraph (B) for a period of 1 year;

13 “(ii) provide additional technical as-
14 sistance to all metropolitan planning orga-
15 nizations provided an extension under this
16 paragraph to assist the metropolitan plan-
17 ning organization in meeting the minimum
18 requirements under subsection (e)(4)(B)(i);
19 and

20 “(iii) make a determination 1 year
21 after the date on which the Secretary
22 issues an extension, whether the MPO has
23 meet the minimum requirements estab-
24 lished under subsection (e)(4)(B)(i).

1 “(D) DESIGNATION AS TIER II MPO.—If
2 the Secretary determines the existing MPO has
3 met the minimum requirements under the rule
4 issued under subsection (e)(4)(B)(i), the Sec-
5 retary shall designate the existing MPO as a
6 tier II MPO.

7 On page 678, line 10, strike “(7)” and insert the fol-
8 lowing:

9 “(7) ABSENCE OF DESIGNATION.—

10 “(A) IN GENERAL.—A metropolitan plan-
11 ning organization that is the subject of a nega-
12 tive determination of the Secretary under para-
13 graph (5)(B)(i)(II) shall submit to the State in
14 which the metropolitan planning organization is
15 located, or to a planning organization des-
16 ignated by the State, by not later than 180
17 days after the date on which a notice of the
18 negative determination is received, a 6-month
19 plan that includes a description of a method—

20 “(i) to transfer the responsibilities of
21 the metropolitan planning organization to
22 the State; and

23 “(ii) to dissolve the metropolitan plan-
24 ning organization.

1 “(B) ACTION ON DISSOLUTION.—On sub-
2 mission of a plan under subparagraph (A), the
3 metropolitan planning area served by the appli-
4 cable metropolitan planning organization
5 shall—

6 “(i) continue to receive metropolitan
7 transportation planning funds until the
8 earlier of—

9 “(I) the date of dissolution of the
10 metropolitan planning organization;
11 and

12 “(II) the date that is 4 years
13 after the date of enactment of the
14 Federal Public Transportation Act of
15 2012; and

16 “(ii) be treated by the State as a non-
17 metropolitan area for purposes of this
18 chapter.

19 “(8)

20 On page 681, line 5, strike “subsection (c)(7)” and
21 insert “paragraph (1)”.

22 On page 686, line 1, strike “ensure” and insert “be
23 limited to ensuring”.

1 section 149(k) of title 23 by a tier I MPO
2 representing a nonattainment or mainte-
3 nance area;

4 (v) safety plans developed by pro-
5 viders of public transportation; and

6 (vi) the national freight strategic plan.

7 On page 697, line 18, insert after “parties” the fol-
8 lowing: “(including State representatives of nonmotorized
9 users)”.

10 On page 698, line 2, strike “all interested parties”
11 and insert “interested parties and local officials”.

12 On page 698, lines 3 and 4, strike “all interested par-
13 ties” and insert “interested parties and local officials”.

14 On page 698, line 14, insert after “parties” the fol-
15 lowing: “(including State representatives of nonmotorized
16 users)”.

17 On page 706, line 2, strike “targets” and insert
18 “measures”.

1 On page 706, line 5, strike “targets” and insert
2 “measures”.

3 On page 706, strike lines 7 through 11 and insert
4 the following:

5 “(v) shall be revenue constrained
6 based on the total revenues expected to be
7 available over the forecast period of the
8 plan; and

9 On page 706, line 16, strike “targets” and insert
10 “measures”.

11 On page 707, line 6, strike “of—” and insert “of the
12 following:”.

13 On page 707, line 7, strike “the projected” and insert
14 “Projected”.

15 On page 707, line 17, strike the semicolon and insert
16 a period.

17 On page 707, line 18, strike “the” and insert “The”.

1 On page 707, line 22, strike the semicolon and insert
2 a period.

3 On page 707, line 23, strike “estimates” and insert
4 “Estimates”.

5 On page 708, line 4, strike “; and” and insert a pe-
6 riod.

7 On page 708, line 5, strike “each” and insert
8 “Each”.

9 On page 712, line 8, strike “performance”.

10 On page 713, line 10, strike “of—” and insert “of
11 the following:”.

12 On page 713, line 11, strike “the projected” and in-
13 sert “Projected”.

14 On page 713, line 21, strike the semicolon and insert
15 a period.

16 On page 713, line 22, strike “the” and insert “The”.

1 On page 714, line 2, strike the semicolon and insert
2 a period.

3 On page 714, line 3, strike “estimates” and insert
4 “Estimates”.

5 On page 714, lines 9 and 10, strike “; and” and in-
6 sert a period.

7 On page 714, line 11, strike “each” and insert
8 “Each”.

9 On page 723, line 17, strike “(d)” and insert “(e)”.

10 On page 728, line 17, strike “coordinate” and insert
11 “consult”.

12 On page 730, line 12, strike “coordinate” and insert
13 “consult on”.

14 On page 734, line 6, insert after “competitiveness,”
15 the following: “travel and tourism (where applicable),”.

1 On page 738, strike line 6 and all that follows
2 through page 739, line 19, and insert the following:

3 “(4) PARTICIPATION BY INTERESTED PAR-
4 TIES.—

5 “(A) IN GENERAL.—Each State shall pro-
6 vide to—

7 “(i) nonmetropolitan local elected offi-
8 cials an opportunity to participate in ac-
9 cordance with subparagraph (B)(i); and

10 “(ii) affected individuals, public agen-
11 cies, and other interested parties notice
12 and a reasonable opportunity to comment
13 on the statewide transportation plan and
14 statewide transportation improvement pro-
15 gram.

16 “(B) METHODS.—In carrying out this
17 paragraph, the State shall—

18 “(i) develop and document a consult-
19 ative process to carry out subparagraph
20 (A)(i) that is separate and discrete from
21 the public involvement process developed
22 under clause (ii);

23 “(ii) develop the statewide transpor-
24 tation plan and statewide transportation
25 improvement program in consultation with

1 interested parties, as appropriate, includ-
2 ing by the formation of advisory groups
3 representative of the State and interested
4 parties that participate in the development
5 of the statewide transportation plan and
6 statewide transportation improvement pro-
7 gram;

8 “(iii) hold any public meetings at
9 times and locations that are, as applica-
10 ble—

11 “(I) convenient; and

12 “(II) in compliance with the
13 Americans with Disabilities Act of
14 1990 (42 U.S.C. 12101 et seq.);

15 “(iv) employ visualization techniques
16 to describe statewide transportation plans
17 and statewide transportation improvement
18 programs; and

19 “(v) make public information available
20 in appropriate electronically accessible for-
21 mats and means, such as the Internet, to
22 afford reasonable opportunity for consider-
23 ation of public information under subpara-
24 graph (A).

1 On page 741, line 1, strike “coordination” and insert
2 “consultation”.

3 On page 748, line 19, strike “of—” and insert “of
4 the following:”.

5 On page 748, line 20, strike “the projected” and in-
6 sert “Projected”.

7 On page 749, line 6, strike the semicolon and insert
8 a period.

9 On page 749, line 7, strike “the” and insert “The”.

10 On page 749, line 11, strike the semicolon and insert
11 a period.

12 On page 749, line 12, strike “estimates” and insert
13 “Estimates”.

14 On page 749, line 19, strike the semicolon and insert
15 a period.

1 On page 749, line 20, strike “each” and insert
2 “Each”.

3 On page 749, line 24, strike “; and” and insert a
4 period.

5 On page 750, strike lines 1 through 7 and insert the
6 following:

7 (v) For the outer years period of the
8 statewide transportation plan, a descrip-
9 tion of the aggregate cost ranges or bands,
10 subject to the condition that any future
11 funding source shall be reasonably ex-
12 pected to be available to support the pro-
13 jected cost ranges or bands.

14 On page 751, between lines 4 and 5, insert the fol-
15 lowing:

16 “(6) USE OF POLICY PLANS.—Notwithstanding
17 any other provision of this section, a State that has
18 in effect, as of the date of enactment of the Federal
19 Public Transportation Act of 2012, a statewide
20 transportation plan that follows a policy plan ap-
21 proach—

1 “(A) may, for 4 years after the date of en-
2 actment of the Federal Public Transportation
3 Act of 2012, continue to use a policy plan ap-
4 proach to the statewide transportation plan;
5 and

6 “(B) shall be subject to the requirements
7 of this subsection only to the extent that such
8 requirements were applicable under this section
9 (as in effect on the day before the date of en-
10 actment of the Federal Public Transportation
11 Act of 2012).

12 On page 751, line 8, strike “cooperation” and insert
13 “consultation”.

14 On page 752, line 3, insert after “parties” the fol-
15 lowing: “(including State representatives of nonmotorized
16 users)”.

17 On page 755, line 12, strike “of—” and insert “of
18 the following:”.

19 On page 755, line 13, strike “the projected” and in-
20 sert “Projected”.

1 On page 755, line 23, strike the semicolon and insert
2 a period.

3 On page 755, line 24, strike “the” and insert “The”.

4 On page 756, line 3, strike the semicolon and insert
5 a period.

6 On page 756, line 4, strike “estimates” and insert
7 “Estimates”.

8 On page 756, line 11, strike “; and” and insert a
9 period.

10 On page 756, line 12, strike “each” and insert
11 “Each”.

12 On page 758, line 20, strike “by the State),” and
13 insert “on the National Highway System) by the State,”.

14 On page 759, line 17, strike “Approval” and insert
15 “Notwithstanding any other provision of law, approval”.

1 On page 759, strike line 23 and all that follows
2 through page 760, line 7, and insert the following:

3 “(1) IN GENERAL.—The Secretary shall—

4 “(A) ensure that the statewide transpor-
5 tation planning process of a State is being car-
6 ried out in accordance with this section and ap-
7 plicable Federal law (including rules and regu-
8 lations); and

9 “(B) subject to paragraph (2), certify, not
10 later than 180 days after the date of enactment
11 of the Federal Public Transportation Act of
12 2012 and not less frequently than once every 5
13 years thereafter, that the requirements of sub-
14 paragraph (A) are met with respect to the
15 statewide transportation planning process.

16 On page 774, line 3, strike “50 percent” and insert
17 “75 percent”.

18 On page 774, line 10, strike “25 percent” and insert
19 “50 percent”.

20 On page 792, strike line 20 and all that follows
21 through page 793, line 2, and insert the following:

1 “(2) CLEAN FUEL VEHICLE.—The term ‘clean
2 fuel vehicle’ means—

3 “(A) a passenger vehicle used to provide
4 public transportation that the Administrator of
5 the Environmental Protection Agency has cer-
6 tified sufficiently reduces energy consumption
7 or reduces harmful emissions, including direct
8 carbon emissions, when compared to a com-
9 parable standard vehicle; or

10 “(B) a zero emission bus used to provide
11 public transportation.

12 On page 794, between lines 13 and 14, insert the fol-
13 lowing:

14 “(7) ZERO EMISSION BUS.—The term ‘zero
15 emission bus’ means a clean fuel vehicle that pro-
16 duces no carbon or particulate matter.

17 On page 794, between lines 22 and 23, insert the fol-
18 lowing:

19 “(3) COMBINATION OF FUNDING SOURCES.—
20 “(A) COMBINATION PERMITTED.—A
21 project carried out under this section may re-
22 ceive funding under section 5307, or any other
23 provision of law.

1 “(B) GOVERNMENT SHARE.—Nothing in
2 this paragraph may be construed to alter the
3 Government share required under this section,
4 section 5307, or any other provision of law.

5 On page 795, line 10, strike “(f)” and insert the fol-
6 lowing:

7 “(f) PRIORITY CONSIDERATION.—In making grants
8 under this section, the Secretary shall give priority to
9 projects relating to clean fuel buses that make greater re-
10 ductions in energy consumption and harmful emissions,
11 including direct carbon emissions, than comparable stand-
12 ard buses or other clean fuel buses.

13 “(g)

14 On page 796, strike lines 7 through 9 and insert the
15 following:

16 “(A) if—

17 “(i) a majority of the project operates
18 in a separated right-of-way dedicated for
19 public transportation use during peak peri-
20 ods; or

21 “(ii) a substantial portion of the
22 project operates in a separated right-of-
23 way that is semi-dedicated for public trans-

1 portation use during peak periods and in-
2 cludes other physical elements that reduce
3 public transportation vehicle travel time
4 and increase service reliability;

5 On page 853, line 11, strike “Section” and insert the
6 following:

7 (a) IN GENERAL.—Section

8 On page 872, between lines 2 and 3, insert the fol-
9 lowing:

10 (b) PILOT PROGRAM FOR INTERCITY BUS SERV-
11 ICE.—

12 (1) DEFINITIONS.—In this subsection, the fol-
13 lowing definitions shall apply:

14 (A) ELIGIBLE PROJECT.—The term “eligi-
15 ble project” means an intercity bus project eli-
16 gible under section 5311(f) of title 49, United
17 States Code, as amended by this section, that
18 includes both feeder service and an unsub-
19 sidized segment of the intercity bus network to
20 which it connects.

21 (B) FEEDER SERVICE.—The term “feeder
22 service” means the provision of intercity con-
23 nections to allow for the coordination of rural

1 connections between small public transportation
2 systems and providers of intercity bus service.

3 (C) INTERCITY BUS SERVICE.—The term
4 “intercity bus service” means regularly sched-
5 uled bus service provided by private operators
6 for the general public that operates with limited
7 stops over fixed routes connecting two or more
8 urban areas not in close proximity, that has the
9 capacity for transporting baggage carried by
10 passengers, and that makes meaningful connec-
11 tions with scheduled intercity bus service to
12 more distant points, if such service is available.

13 (D) SECRETARY.—The term “Secretary”
14 means the Secretary of Transportation.

15 (2) IN-KIND MATCH.—The Secretary shall es-
16 tablish a pilot program under which the Secretary
17 may allow not more than 20 States using funding
18 provided to carry out section 5311(f) of title 49,
19 United States Code, as amended by this section, to
20 support intercity bus service using the capital costs
21 of unsubsidized service provided by a private oper-
22 ator as in-kind match for an eligible project.

23 (3) STUDY.—The Comptroller General of the
24 United States shall conduct a study not later than
25 1 year after the date of enactment of this Act to de-

1 terminate the efficacy of the pilot program in improv-
2 ing and expanding intercity bus service and the ef-
3 fect of the pilot program on public transportation
4 providers and the commuting public.

5 On page 904, line 10, strike “(1)” and insert the fol-
6 lowing:

7 (1) in subsection (e), by striking paragraph (1)
8 and inserting the following:

9 “(1) CONTRACTS.—A recipient procuring roll-
10 ing stock with Government financial assistance
11 under this chapter may make a multiyear contract
12 to buy the rolling stock and replacement parts under
13 which the recipient has an option to buy additional
14 rolling stock or replacement parts for—

15 “(A) not more than 5 years after the date
16 of the original contract for bus procurements;
17 and

18 “(B) not more than 7 years after the date
19 of the original contract for rail procurements,
20 provided that such option does not allow for
21 significant changes or alterations to the rolling
22 stock.”.

23 (2)

- 1 On page 904, line 13, strike “(2)” and insert “(3)”.

- 2 On page 904, line 17, strike “(3)” and insert “(4)”.

- 3 On page 959, line 25, strike “the term ‘fixed guide-
4 way motorbus’” and insert “the term ‘high intensity
5 motorbus’”.

- 6 On page 960, line 17, strike “fixed guideway” and
7 insert “high intensity”.

- 8 On page 960, line 20, strike “fixed guideway” and
9 insert “high intensity”.

- 10 On page 961, line 1, strike “fixed guideway” and in-
11 sert “high intensity”.

- 12 On page 961, line 4, strike “fixed guideway” and in-
13 sert “high intensity”.

- 14 On page 961, line 7, strike “FIXED GUIDEWAY” and
15 insert “HIGH INTENSITY”.

1 On page 962, lines 5 and 6, strike “fixed guideway”
2 and insert “high intensity”.

3 On page 962, lines 6 and 7, strike “fixed guideway”
4 and insert “high intensity”.

5 On page 962, line 9, strike “fixed guideway” and in-
6 sert “high intensity”.

7 On page 962, line 12, strike the quotation marks and
8 the second period and insert the following:

9 “(f) BUS AND BUS FACILITIES STATE OF GOOD RE-
10 PAIR GRANT PROGRAM.—

11 “(1) IN GENERAL.—The Secretary may make
12 grants under this subsection to assist State and local
13 governmental authorities in financing bus and bus
14 facility capital projects to maintain public transpor-
15 tation systems in a state of good repair.

16 “(2) COMPETITIVE PROCESS.—The Secretary
17 shall solicit grant applications and make grants for
18 capital projects on a competitive basis.

19 “(3) DISTRIBUTION.—The Secretary shall en-
20 sure that not less than 40 percent of the funds allo-
21 cated on a competitive basis are distributed to rural
22 areas.

1 “(4) PRIORITY CONSIDERATION.—In making
2 grants under this subsection, the Secretary shall give
3 priority to recipients providing bus-only or high-in-
4 tensity motorbus service (as defined in subsection
5 (e)(1)) in a State whose recipients’ total apportion-
6 ment from section 5338(a) in fiscal year 2012 minus
7 the recipients’ total apportionment from section
8 5338(a) in fiscal year 2011 does not exceed 90 per-
9 cent of the average annual amount the recipients in
10 the State received under section 5309(m)(2)(c), as
11 in effect on October 1, 2011, in fiscal years 2006
12 through 2011.”.

13 On page 965, line 20, insert after “2013” the fol-
14 lowing: “, of which not less than \$75,000,000 shall be
15 available to carry out section 5337(f)”.

16 On page 973, strike line 15 and all that follows
17 through “5307.” on line 21 and insert the following:
18 “Amounts apportioned to each urbanized area shall be
19 added to amounts apportioned to that urbanized area
20 under section 5336, and made available for grants under
21 section 5307.”

1 On page 975, beginning on line 10, strike “5325 of
2 title 49” and all that follows through “subsection
3 (b)(2)(A),” on line 12 and insert the following:
4 “5325(b)(2)(A) of title 49, United States Code, is amend-
5 ed”.

6 On page 975, line 16, strike “; and” and insert a
7 period.

8 On page 975, strike lines 17 through 19.

9 On page 983, line 3, strike “a”.

10 On page 983, line 5, strike “SUBTITLE” and insert
11 “TITLE”.

12 Beginning on page 1048, strike line 9 and all that
13 follows through page 1050, line 12.

14 On page 1054, line 13, insert “Motor Vehicle and
15 Highway Safety Improvement Act of 2012” before the em
16 dash.

17 On page 1056, line 24, insert “Motor Vehicle and
18 Highway Safety Improvement Act of 2012” before the em
19 dash.

1 On page 1065, line 8, insert “Motor Vehicle and
2 Highway Safety Improvement Act of 2012” before the
3 comma.

4 On page 1078, line 11, after “enactment of the” in-
5 sert “Motor Vehicle and Highway Safety Improvement Act
6 of 2012”.

7 On page 1085, strike lines 11 and 12, and insert the
8 following:

9 **“§ 30120A. Recall obligations and bankruptcy of a**
10 **manufacturer**

11 On page 1137, between lines 16 and 17, insert the
12 following:

13 **SEC. 32208. RENTAL TRUCK ACCIDENT STUDY.**

14 (a) DEFINITIONS.—In this section:

15 (1) RENTAL TRUCK.—The term “rental truck”
16 means a motor vehicle with a gross vehicle weight
17 rating of between 10,000 and 26,000 pounds that is
18 made available for rental by a rental truck company.

19 (2) RENTAL TRUCK COMPANY.—The term
20 “rental truck company” means a person or company
21 that is in the business of renting or leasing rental
22 trucks to the public or for private use.

1 (b) STUDY.—

2 (1) IN GENERAL.—The Secretary shall conduct
3 a study of the safety of rental trucks during the 7-
4 year period ending on December 31, 2011.

5 (2) REQUIREMENTS.—The study conducted
6 under paragraph (1) shall—

7 (A) evaluate available data on the number
8 of crashes, fatalities, and injuries involving
9 rental trucks and the cause of such crashes, uti-
10 lizing police accident reports and other sources;

11 (B) estimate the property damage and
12 costs resulting from a subset of crashes involv-
13 ing rental truck operations, which the Secretary
14 believes adequately reflect all crashes involving
15 rental trucks;

16 (C) analyze State and local laws regulating
17 rental truck companies, including safety and in-
18 spection requirements;

19 (D) assess the rental truck maintenance
20 programs of a selection of small, medium, and
21 large rental truck companies, as selected by the
22 Secretary, including the frequency of rental
23 truck maintenance inspections, and compare
24 such programs with inspection requirements for

1 passenger vehicles and commercial motor vehi-
2 cles;

3 (E) include any other information available
4 regarding the safety of rental trucks; and

5 (F) review any other information that the
6 Secretary determines to be appropriate.

7 (c) REPORT.—Not later than 1 year after the date
8 of the enactment of this Act, the Secretary shall submit
9 a report to the Committee on Commerce, Science, and
10 Transportation of the Senate and the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives that contains—

13 (1) the findings of the study conducted pursu-
14 ant to subsection (b); and

15 (2) any recommendations for legislation that
16 the Secretary determines to be appropriate.

17 On page 1143, strike lines 24 and 25 and insert the
18 following:

19 (A) by amending subparagraph (E) to read
20 as follows:

21 “(E) require medical examiners to trans-
22 mit electronically, on at least a monthly basis,
23 the name of the applicant, a numerical identi-
24 fier, and additional information contained on

1 the medical examiner's certificate for any com-
2 pleted medical examination report required
3 under section 391.43 of title 49, Code of Fed-
4 eral Regulations, to the chief medical exam-
5 iner;”;

6 On page 1146, strike lines 1 and 2 and insert the
7 following: “Code—

8 (A) up to \$1,000,000 for fiscal year 2012;

9 and

10 (B) up to \$1,000,000 for fiscal year 2013.

11 On page 1158, line 10, strike “deleting” and insert
12 “striking”.

13 On page 1158, line 14, strike “deleting” and insert
14 “striking”.

15 On page 1198, between lines 2 and 3, insert the fol-
16 lowing:

17 **SEC. 32514. GRADE CROSSING SAFETY REGULATIONS.**

18 Section 112(2) of the Hazardous Materials Transpor-
19 tation Authorization Act of 1994 (Public Law 103–311)
20 is amended by striking “315 of such title (relating to

1 motor carrier safety)” and inserting “311 of such title (re-
2 lating to commercial motor vehicle safety)”.

3 On page 1219, line 15, strike the end quote and pe-
4 riod at the end and insert the following:

5 “(j) PAYMENT TO RECIPIENTS OF FINANCIAL AS-
6 SISTANCE FOR COSTS.—Each grantee shall submit vouch-
7 ers to the Secretary for costs the grantee has incurred
8 under sections 31102, 31109, and 31313. The Secretary
9 shall pay the grantee an amount equal to not more than
10 the Government share of costs incurred as of the date on
11 which the vouchers are submitted.”.

12 On page 1247, in the undesignated matter between
13 lines 18 and 19, strike “Sec.”.

14 On page 1314, after the matter following line 18, in-
15 sert the following:

16 **SEC. 33007. MAKE IT IN AMERICA INITIATIVE.**

17 (a) MEMORANDUM OF AGREEMENT.—The term
18 “Memorandum of Agreement” means the August 2011
19 Memorandum of Agreement between the Department of
20 Transportation and the Department of Commerce entitled
21 “Development of a Domestic Supply Base for Intermodal
22 Transportation in the U.S.”.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that collaboration between the Department of Trans-
3 portation and the Department of Commerce can signifi-
4 cantly improve the scope and depth of the domestic supply
5 base for transportation infrastructure, particularly for
6 small businesses in the United States.

7 (c) IMPLEMENTATION.—

8 (1) IN GENERAL.—The Secretary of Transpor-
9 tation and the Secretary of Commerce shall
10 prioritize the implementation of the Memorandum of
11 Agreement.

12 (2) SAVINGS PROVISION.—The requirement
13 under paragraph (1) may not be construed to re-
14 quire the expenditure of additional funds.

15 **SEC. 33008. CAPACITY-BUILDING FOR NATURAL DISASTERS**
16 **AND EXTREME WEATHER.**

17 (a) DEFINITIONS.—In this section, the following defi-
18 nitions apply:

19 (1) EXTREME WEATHER.—The term “extreme
20 weather” includes severe or unseasonable weather,
21 heavy precipitation, a storm surge, flooding,
22 drought, windstorms (including hurricanes, torna-
23 does, and associated storm surges), extreme heat,
24 and extreme cold.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Transportation, in consultation
3 with—

4 (A) the Director of the National Institute
5 of Standards and Technology;

6 (B) the Administrator of the Federal
7 Emergency Management Agency; and

8 (C) as appropriate—

9 (i) the Administrator of the National
10 Oceanic and Atmospheric Administration;

11 (ii) the Director of the United States
12 Geological Survey;

13 (iii) the Administrator of the National
14 Aeronautics and Space Administration;

15 (iv) the Administrator of the Environ-
16 mental Protection Agency; and

17 (v) the heads of other Federal agen-
18 cies.

19 (b) DATA.—The Secretary shall determine and pro-
20 vide to transportation planners appropriate data on the
21 impact on infrastructure of natural disasters and a higher
22 frequency of extreme weather.

23 (c) TRANSPORTATION INFRASTRUCTURE.—

24 (1) IN GENERAL.—The Secretary shall issue
25 guidance and establish design standards for trans-

1 portation infrastructure to help States, metropolitan
2 planning organizations, and local governments plan
3 for natural disasters and a greater frequency of ex-
4 treme weather events in the process of planning,
5 siting, designing, and developing transportation in-
6 frastructure by assessing vulnerabilities to a chang-
7 ing climate and the costs and benefits of adaptation
8 measures (including economic, social, and environ-
9 mental costs and benefits).

10 (2) COORDINATION.—If appropriate, guidance
11 and design standards under paragraph (1) shall, to
12 the maximum extent practicable, be carried out
13 through the coordination mechanism provided
14 under—

15 (A) the National Windstorm Impact Re-
16 duction Program established under section 204
17 of the National Windstorm Impact Reduction
18 Act of 2004 (42 U.S.C. 15703); and

19 (B) the National Earthquake Hazard Re-
20 duction Program established under section 5 of
21 the Earthquake Hazards Reduction Act of 1977
22 (42 U.S.C. 7704).

23 **SEC. 33009. TOLL FAIRNESS STUDY.**

24 (a) REVIEW.—As soon as practicable after the date
25 of the enactment of this Act, the Comptroller General of

1 the United States shall conduct a review of toll rate set-
2 ting practices by selected interstate tolling authorities—

3 (1) over any bridge constructed under the Act
4 of March 23, 1906 (33 U.S.C. 491 et seq.) (com-
5 monly known as the Bridge Act of 1906), the Gen-
6 eral Bridge Act of 1946 (33 U.S.C. 525 et seq.), or
7 the International Bridge Act of 1972 (33 U.S.C.
8 535 et seq.); and

9 (2) over or through any bridge or tunnel con-
10 structed on a Federal-aid highway (as defined in
11 section 101(a) of title 23, United States Code).

12 (b) EVALUATION.—The review under subsection (a)
13 shall include an evaluation of—

14 (1) the extent to which the use of tolling rev-
15 enue by interstate authorities is consistent with their
16 mandates; and

17 (2) the transparency and accountability of the
18 funding and management decisions by those authori-
19 ties.

20 (c) REPORT TO CONGRESS.—The Comptroller Gen-
21 eral of the United States shall submit a report to the Com-
22 mittee on Commerce, Science, and Transportation of the
23 Senate and the Committee on Transportation and Infra-
24 structure of the House of Representatives that contains—

1 (1) the results of the review conducted under
2 this section; and

3 (2) any appropriate recommendations.

4 On page 1378, line 9, strike “section 35009” and in-
5 sert “section 51001”.

6 Beginning on page 1379, line 17, redesignate title VI
7 as title V and redesignate sections 36001 through 36601
8 as sections 35001 through 35601, respectively.

9 On page 1380, line 25, insert “National Rail System
10 Preservation, Expansion, and Development Act of 2012”
11 before the em dash.

12 On page 1393, line 2, insert “National Rail System
13 Preservation, Expansion, and Development Act of 2012”
14 before the semicolon.

15 On page 1393, line 5, insert “the National Rail Sys-
16 tem Preservation, Expansion, and Development Act of
17 2012” before the period.

1 On page 1393, line 9, insert “National Rail System
2 Preservation, Expansion, and Development Act of 2012”
3 before the period.

4 On page 1405, line 18, insert “National Rail System
5 Preservation, Expansion, and Development Act of 2012”
6 before the comma.

7 On page 1411, line 21, insert “National Rail System
8 Preservation, Expansion, and Development Act of 2012”
9 before the comma.

10 On page 1438, line 15, insert “National Rail System
11 Preservation, Expansion, and Development Act of 2012”
12 before the comma.

13 Beginning on page 1445, strike line 16 and all that
14 follows through page 1446, line 3 and insert the following:

15 “(b) AUTHORITY.—

16 “(1) IN GENERAL.—The Inspector General of
17 Amtrak shall have the authority available to other
18 Inspectors General, as necessary in carrying out the
19 duties specified in the Inspector General Act 1978
20 (5 U.S.C. App. 3), to investigate any alleged viola-

1 tion of sections 286, 287, 371, 641, 1001, 1002 and
2 1516 of title 18.

3 “(2) AGENCY.—Solely for purposes of sections
4 286, 287, 371, 641, 1001, 1002, and 1516 of title
5 18, Amtrak and the Amtrak Office of the Inspector
6 General, shall be considered a corporation in which
7 the United States has a proprietary interest as set
8 forth in section 6 of such title.

9 “(c) FALSE CLAIMS.—Claims made or presented to
10 Amtrak shall be considered as claims under section
11 3729(b)(2)(A)(ii) of title 31. Statements made or pre-
12 sented to Amtrak shall be considered as statements under
13 subparagraphs (B) and (G) of section 3729(a)(1) of such
14 title.

15 “(d) LIMITATION.—Subsections (b) and (c) shall be
16 effective only with respect to a fiscal year for which Am-
17 trak receives a Federal subsidy.

18 “(e) QUALIFIED IMMUNITY.—

19 “(1) IN GENERAL.—An employee of the Amtrak
20 Office of Inspector General shall enjoy the same per-
21 sonal qualified immunity from lawsuit or liability as
22 the employees of the Department of Transportation
23 Office of Inspector General with respect to the per-
24 formance of investigative, audit, inspection, or eval-
25 uation functions authorized under the Inspector

1 General Act of 1978 (5 U.S.C. App.) that are car-
2 ried out for the Amtrak Office of Inspector General.

3 “(2) FEDERAL GOVERNMENT LIABILITY.—No
4 liability of any kind shall attach to or rest upon the
5 United States for any damages from or by any ac-
6 tions of the Amtrak Office of Inspector General, its
7 employees, agents, or representatives.

8 “(f) SERVICES.—Amtrak and the Inspector General
9 of Amtrak may obtain services under sections 502(a) and
10 602 of title 40, including travel programs, from the Ad-
11 ministrator of General Services. The Administrator of
12 General Services shall provide services under sections
13 502(a) and 602 of title 40, to Amtrak and the Inspector
14 General.”.

15 Beginning on page 1451, strike line 7 and all that
16 follows through page 1452, line 5, and insert the following:

17 (c) EXTENSION AUTHORITY.—Section 20157 is
18 amended—

19 (1) by redesignating subsections (h) and (i) as
20 subsections (i) and (j), respectively; and

21 (2) by inserting after subsection (g) the fol-
22 lowing:

23 “(h) EXTENSION.—

1 greater risk to the public and railroad em-
2 ployees in the applicant's positive train
3 control implementation plan under section
4 236.1011(a)(4) of title 49, Code of Federal
5 Regulations; and

6 “(ii) the risk of operational failure to
7 the affected service areas and the appli-
8 cant.

9 “(2) APPLICATION REVIEW.—The Secretary
10 shall review an application submitted pursuant to
11 paragraph (1) and approve or disapprove the appli-
12 cation not later than 10 days after the application
13 is received.”.

14 On page 1477, lines 1 through 21, redesignate title
15 VII as title VI and redesignate sections 37001 and 37002
16 as sections 36001 and 36002, respectively.

17 On page 1477, between lines 21 and 22, insert the
18 following:

19 **TITLE VII—MISCELLANEOUS**

20 **SEC. 37001. AIRCRAFT NOISE ABATEMENT.**

21 (a) IN GENERAL.—Section 3(b)(2) of Public Law
22 100–91 (16 U.S.C. 1a–1 note) is amended by adding at
23 the end the following: “The plan shall not apply to or oth-

1 erwise affect the regulation of flights over the Grand Can-
2 yon at altitudes above the Special Flight Rules Area for
3 the Grand Canyon in effect as of the date of the enactment
4 of the MAP-21, or as subsequently modified by mutual
5 agreement of the Secretary and the Administrator.”.

6 (b) SAVINGS PROVISIONS.—

7 (1) JURISDICTION OF NATIONAL AIRSPACE.—

8 None of the recommendations required under section
9 3(b)(1) of Public Law 100-91 (16 U.S.C. 1a-1
10 note), including recommendations to raise the flight-
11 free zone altitude ceilings, shall adversely affect the
12 national airspace system, as determined by the Ad-
13 ministrator of the Federal Aviation Administration.
14 If the Administrator determines that implementing
15 the recommendations would adversely affect the na-
16 tional airspace system, the Administrator shall con-
17 sult with the Secretary of the Interior to eliminate
18 the adverse effects.

19 (2) EFFECT OF NEPA DETERMINATIONS.—None

20 of the environmental thresholds, analyses, impact de-
21 terminations, or conditions prepared or used by the
22 Secretary to develop recommendations regarding the
23 substantial restoration of natural quiet and experi-
24 ence for the Grand Canyon National Park required
25 under section 3(b)(1) of Public Law 100-91 shall

1 have broader application or be given deference with
2 respect to the Administrator's compliance with the
3 National Environmental Policy Act for proposed
4 aviation actions and decisions. Nothing in this sec-
5 tion may be construed to limit the ability of the Na-
6 tional Park Service to use its own methods of anal-
7 ysis and impact determinations for air tour manage-
8 ment planning within its purview under the National
9 Parks Air Tour Management Act of 2000 (title VIII
10 of Public Law 106–181).

11 (c) CONVERSION TO QUIET TECHNOLOGY AIR-
12 CRAFT.—

13 (1) IN GENERAL.—Not later than 15 years
14 after the date of the enactment of this Act, all com-
15 mercial air tour aircraft operating in the Grand
16 Canyon National Park Special Flight Rules Area
17 shall be required to fully convert to quiet aircraft
18 technology (as determined in accordance with regu-
19 lations in effect on the day before the date of the en-
20 actment of this Act).

21 (2) CONVERSION INCENTIVES.—Not later than
22 60 days after the date of the enactment of this Act,
23 the Secretary and the Administrator of the Federal
24 Aviation Administration shall provide incentives for
25 commercial air tour operators that convert to quiet

1 aircraft technology (as determined in accordance
2 with the regulations in effect on the day before the
3 date of the enactment of this Act) before the date
4 specified in paragraph (1), such as increasing the
5 flight allocations for such operators on a net basis
6 consistent with section 804(c) of the National Park
7 Air Tours Management Act of 2000 (title VIII of
8 Public Law 106–181), provided that the cumulative
9 impact of such operations does not increase noise at
10 Grand Canyon National Park.

11 In division D, strike section 40201 and insert the fol-
12 lowing:

13 **SEC. 40201. TEMPORARY INCREASE IN SMALL ISSUER EX-**
14 **CEPTION TO TAX-EXEMPT INTEREST EX-**
15 **PENSE ALLOCATION RULES FOR FINANCIAL**
16 **INSTITUTIONS.**

17 (a) IN GENERAL.—Subparagraph (G) of section
18 265(b)(3) of the Internal Revenue Code of 1986 is amend-
19 ed—

20 (1) by striking “2009 or 2010” each place it
21 appears in clauses (i), (ii), and (iii) and inserting
22 “2009, 2010, or the period beginning after June 30,
23 2012, and before July 1, 2013”, and

24 (2) by striking “2009 AND 2010” in the heading
25 and inserting “2009, 2010, 2012, AND 2013”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to obligations issued after June
3 30, 2012.

4 In division D, strike section 40312 and insert the fol-
5 lowing:

6 **SEC. 40312. PENSION FUNDING STABILIZATION.**

7 (a) AMENDMENTS TO INTERNAL REVENUE CODE OF
8 1986.—

9 (1) IN GENERAL.—Subparagraph (C) of section
10 430(h)(2) of the Internal Revenue Code of 1986 is
11 amended by adding at the end the following new
12 clause:

13 “(iv) SEGMENT RATE STABILIZA-
14 TION.—

15 “(I) IN GENERAL.—If a segment
16 rate described in clause (i), (ii), or
17 (iii) with respect to any applicable
18 month (determined without regard to
19 this clause) is less than the applicable
20 minimum percentage, or more than
21 the applicable maximum percentage,
22 of the average of the segment rates
23 described in such clause for years in
24 the 25-year period ending with Sep-

1 tember 30 of the calendar year pre-
2 ceding the calendar year in which the
3 plan year begins, then the segment
4 rate described in such clause with re-
5 spect to the applicable month shall be
6 equal to the applicable minimum per-
7 centage or the applicable maximum
8 percentage of such average, whichever
9 is closest. The Secretary shall deter-
10 mine such average on an annual basis
11 and may prescribe equivalent rates for
12 years in any such 25-year period for
13 which the rates described in any such
14 clause are not available.

15 “(II) APPLICABLE MINIMUM PER-
16 CENTAGE; APPLICABLE MAXIMUM
17 PERCENTAGE.—For purposes of sub-
18 clause (I), the applicable minimum
19 percentage and the applicable max-
20 imum percentage for a plan year be-
21 ginning in a calendar year shall be de-
22 termined in accordance with the fol-
23 lowing table:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
2012	90%	110%
2013	85%	115%
2014	80%	120%
2015	75%	125%
After 2015	70%	130%.”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) Paragraph (6) of section 404(o) of
3 such Code is amended by inserting “(deter-
4 mined by not taking into account any adjust-
5 ment under clause (iv) of subsection (h)(2)(C)
6 thereof)” before the period.

7 (B) Subparagraph (F) of section 430(h)(2)
8 of such Code is amended by inserting “and the
9 averages determined under subparagraph
10 (C)(iv)” after “subparagraph (C)”.

11 (C) Subparagraphs (C) and (D) of section
12 417(e)(3) of such Code are each amended by
13 striking “section 430(h)(2)(C)” and inserting
14 “section 430(h)(2)(C) (determined by not tak-
15 ing into account any adjustment under clause
16 (iv) thereof”.

17 (b) AMENDMENTS TO EMPLOYEE RETIREMENT IN-
18 COME SECURITY ACT OF 1974.—

19 (1) IN GENERAL.—Subparagraph (C) of section
20 303(h)(2) of the Employee Retirement Income Secu-

1 rity Act of 1974 (29 U.S.C. 1083(h)(2)) is amended
2 by adding at the end the following new clause:

3 “(iv) SEGMENT RATE STABILIZA-
4 TION.—

5 “(I) IN GENERAL.—If a segment
6 rate described in clause (i), (ii), or
7 (iii) with respect to any applicable
8 month (determined without regard to
9 this clause) is less than the applicable
10 minimum percentage, or more than
11 the applicable maximum percentage,
12 of the average of the segment rates
13 described in such clause for years in
14 the 25-year period ending with Sep-
15 tember 30 of the calendar year pre-
16 ceding the calendar year in which the
17 plan year begins, then the segment
18 rate described in such clause with re-
19 spect to the applicable month shall be
20 equal to the applicable minimum per-
21 centage or the applicable maximum
22 percentage of such average, whichever
23 is closest. The Secretary of the Treas-
24 ury shall determine such average on
25 an annual basis and may prescribe

1 equivalent rates for years in any such
 2 25-year period for which the rates de-
 3 scribed in any such clause are not
 4 available.

5 “(II) APPLICABLE MINIMUM PER-
 6 CENTAGE; APPLICABLE MAXIMUM
 7 PERCENTAGE.—For purposes of sub-
 8 clause (I), the applicable minimum
 9 percentage and the applicable max-
 10 imum percentage for a plan year be-
 11 ginning in a calendar year shall be de-
 12 termined in accordance with the fol-
 13 lowing table:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
2012	90%	110%
2013	85%	115%
2014	80%	120%
2015	75%	125%
After 2015	70%	130%.”.

14 (2) CONFORMING AMENDMENTS.—

15 (A) Subparagraph (F) of section 303(h)(2)
 16 of such Act (29 U.S.C. 1083(h)(2)) is amended
 17 by inserting “and the averages determined
 18 under subparagraph (C)(iv)” after “subpara-
 19 graph (C)”.

1 (B) Clauses (ii) and (iii) of section
2 205(g)(3)(B) of such Act (29 U.S.C.
3 1055(g)(3)(B)) are each amended by striking
4 “section 303(h)(2)(C)” and inserting “section
5 303(h)(2)(C) (determined by not taking into ac-
6 count any adjustment under clause (iv) there-
7 of)”.

8 (C) Clause (iv) of section 4006(a)(3)(E) of
9 such Act (29 U.S.C. 1306(a)(3)(E)) is amended
10 by striking “section 303(h)(2)(C)” and insert-
11 ing “section 303(h)(2)(C) (notwithstanding any
12 regulations issued by the corporation, deter-
13 mined by not taking into account any adjust-
14 ment under clause (iv) thereof)”.

15 (c) EFFECTIVE DATE.—

16 (1) IN GENERAL.—The amendments made by
17 this section shall apply with respect to plan years be-
18 ginning after December 31, 2011.

19 (2) EXCEPTION.—A plan sponsor may elect not
20 to have the amendments made by this section apply
21 to any plan year beginning on or before the date of
22 the enactment of this Act solely for purposes of de-
23 termining the adjusted funding target attainment
24 percentage under sections 436 of the Internal Rev-
25 enue Code of 1986 and 206(g) of the Employee Re-

1 tirement Income Security Act of 1974 for such plan
2 year. A plan shall not be treated as failing to meet
3 the requirements of sections 411(d)(6) of such Code
4 and 204(g) of such Act solely by reason of an elec-
5 tion under this paragraph.

6 **SEC. 40313. ADDITIONAL TRANSFERS TO HIGHWAY TRUST**
7 **FUND.**

8 Subsection (f) of section 9503 of the Internal Rev-
9 enue Code of 1986, as amended by this Act, is amended
10 by redesignating paragraph (4) as paragraph (5) and by
11 inserting after paragraph (3) the following new paragraph:

12 “(4) ADDITIONAL APPROPRIATIONS TO TRUST
13 FUND.—Out of money in the Treasury not otherwise
14 appropriated, there is hereby appropriated to the
15 Highway Trust Fund—

16 “(A) for fiscal year 2012, \$2,183,000,000,

17 “(B) for fiscal year 2013, \$2,277,000,000,

18 and

19 “(C) for fiscal year 2014, \$510,000,000.”.

20 **SEC. 40314. TRANSFERS TO FEDERAL OLD-AGE AND SUR-**
21 **VIVORS INSURANCE TRUST FUND AND FED-**
22 **ERAL DISABILITY INSURANCE TRUST FUND.**

23 Out of money in the Treasury not otherwise appro-
24 priated, there is hereby appropriated—

25 (1) for fiscal year 2012, \$27,000,000, and

1 (2) for fiscal year 2014, \$82,000,000,
2 to the Federal Old-Age and Survivors Trust Fund and the
3 Federal Disability Insurance Trust Fund established
4 under section 201 of the Social Security Act (42 U.S.C.
5 401). The Secretary of the Treasury shall allocate such
6 amounts between such Trust Funds in the ratio in which
7 amounts are appropriated to such Trust Funds under
8 clause (3) of section 201(a) and clause (1) of section
9 201(b) of such Act.

10 On page 1522, after line 14, add the following:

11 **DIVISION E—RESEARCH AND**
12 **EDUCATION**

13 **SEC. 50001. SHORT TITLE.**

14 This division may be cited as the “Transportation
15 Research and Innovative Technology Act of 2012”.

16 **TITLE I—FUNDING**

17 **SEC. 51001. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—The following amounts are au-
19 thorized to be appropriated out of the Highway Trust
20 Fund (other than the Mass Transit Account):

21 (1) HIGHWAY RESEARCH AND DEVELOPMENT
22 PROGRAM.—To carry out sections 503(b), 503(d),
23 and 509 of title 23, United States Code,
24 \$90,000,000 for each of fiscal years 2012 and 2013.

1 (2) TECHNOLOGY AND INNOVATION DEPLOY-
2 MENT PROGRAM.—To carry out section 503(c) of
3 title 23, United States Code, \$90,000,000 for each
4 of fiscal years 2012 and 2013.

5 (3) TRAINING AND EDUCATION.—To carry out
6 section 504 of title 23, United States Code,
7 \$24,000,000 for each of fiscal years 2012 and 2013.

8 (4) INTELLIGENT TRANSPORTATION SYSTEMS
9 PROGRAM.—To carry out sections 512 through 518
10 of title 23, United States Code, \$100,000,000 for
11 each of fiscal years 2012 and 2013.

12 (5) UNIVERSITY TRANSPORTATION CENTERS
13 PROGRAM.—To carry out section 5505 of title 49,
14 United States Code, \$70,000,000 for each of fiscal
15 years 2012 and 2013.

16 (6) BUREAU OF TRANSPORTATION STATIS-
17 TICS.—To carry out chapter 65 of title 49, United
18 States Code, \$26,000,000 for each of fiscal years
19 2012 and 2013.

20 (b) APPLICABILITY OF TITLE 23, UNITED STATES
21 CODE.—Funds authorized to be appropriated by sub-
22 section (a) shall—

23 (1) be available for obligation in the same man-
24 ner as if those funds were apportioned under chap-
25 ter 1 of title 23, United States Code, except that the

1 Federal share of the cost of a project or activity car-
2 ried out using those funds shall be 80 percent, un-
3 less otherwise expressly provided by this Act (includ-
4 ing the amendments by this Act) or otherwise deter-
5 mined by the Secretary; and

6 (2) remain available until expended and not be
7 transferable.

8 **TITLE II—RESEARCH,** 9 **TECHNOLOGY, AND EDUCATION**

10 **SEC. 52001. RESEARCH, TECHNOLOGY, AND EDUCATION.**

11 Section 501 of title 23, United States Code, is
12 amended—

13 (1) by redesignating paragraph (2) as para-
14 graph (8);

15 (2) by inserting after paragraph (1) the fol-
16 lowing:

17 “(2) INCIDENT.—The term ‘incident’ means a
18 crash, natural disaster, workzone activity, special
19 event, or other emergency road user occurrence that
20 adversely affects or impedes the normal flow of traf-
21 fic.

22 “(3) INNOVATION LIFECYCLE.—The term ‘inno-
23 vation lifecycle’ means the process of innovating
24 through—

25 “(A) the identification of a need;

1 “(B) the establishment of the scope of re-
2 search to address that need;

3 “(C) setting an agenda;

4 “(D) carrying out research, development,
5 deployment, and testing of the resulting tech-
6 nology or innovation; and

7 “(E) carrying out an evaluation of the im-
8 pact of the resulting technology or innovation.

9 “(4) INTELLIGENT TRANSPORTATION INFRA-
10 STRUCTURE.—The term ‘intelligent transportation
11 infrastructure’ means fully integrated public sector
12 intelligent transportation system components, as de-
13 fined by the Secretary.

14 “(5) INTELLIGENT TRANSPORTATION SYS-
15 TEM.—The terms ‘intelligent transportation system’
16 and ‘ITS’ mean electronics, photonics, communica-
17 tions, or information processing used singly or in
18 combination to improve the efficiency or safety of a
19 surface transportation system.

20 “(6) NATIONAL ARCHITECTURE.—For purposes
21 of this chapter, the term ‘national architecture’
22 means the common framework for interoperability
23 that defines—

24 “(A) the functions associated with intel-
25 ligent transportation system user services;

1 “(B) the physical entities or subsystems
2 within which the functions reside;

3 “(C) the data interfaces and information
4 flows between physical subsystems; and

5 “(D) the communications requirements as-
6 sociated with the information flows.

7 “(7) PROJECT.—The term ‘project’ means an
8 undertaking to research, develop, or operationally
9 test intelligent transportation systems or any other
10 undertaking eligible for assistance under this chap-
11 ter.”; and

12 (3) by inserting after paragraph (8) (as so re-
13 designated) the following:

14 “(9) STANDARD.—The term ‘standard’ means a
15 document that—

16 “(A) contains technical specifications or
17 other precise criteria for intelligent transpor-
18 tation systems that are to be used consistently
19 as rules, guidelines, or definitions of character-
20 istics so as to ensure that materials, products,
21 processes, and services are fit for the intended
22 purposes of the materials, products, processes,
23 and services; and

24 “(B) may support the national architecture
25 and promote—

1 “(i) the widespread use and adoption
2 of intelligent transportation system tech-
3 nology as a component of the surface
4 transportation systems of the United
5 States; and

6 “(ii) interoperability among intelligent
7 transportation system technologies imple-
8 mented throughout the States.”.

9 **SEC. 52002. SURFACE TRANSPORTATION RESEARCH, DE-**
10 **VELOPMENT, AND TECHNOLOGY.**

11 (a) SURFACE TRANSPORTATION RESEARCH, DEVEL-
12 OPMENT, AND TECHNOLOGY.—Section 502 of title 23,
13 United States Code, is amended—

14 (1) in the section heading by inserting “, devel-
15 opment, and technology” after “surface transpor-
16 tation research”;

17 (2) in subsection (a)—

18 (A) by redesignating paragraphs (1)
19 through (8) as paragraphs (2) through (9), re-
20 spectively;

21 (B) by inserting before paragraph (2) (as
22 redesignated by subparagraph (A)) the fol-
23 lowing:

1 “(1) APPLICABILITY.—The research, develop-
2 ment, and technology provisions of this section shall
3 apply throughout this chapter.”;

4 (C) in paragraph (2) (as redesignated by
5 subparagraph (A))—

6 (i) by inserting “within the innovation
7 lifecycle” after “activities”; and

8 (ii) by inserting “marketing and com-
9 munications, impact analysis,” after
10 “training,”;

11 (D) in paragraph (3) (as redesignated by
12 subparagraph (A))—

13 (i) in subparagraph (B) by striking
14 “supports research in which there is a
15 clear public benefit and” and inserting
16 “delivers a clear public benefit and occurs
17 where”;

18 (ii) in subparagraph (C) by striking
19 “or” after the semicolon;

20 (iii) by redesignating subparagraph
21 (D) as subparagraph (H); and

22 (iv) by inserting after subparagraph
23 (C) the following:

24 “(D) meets and addresses current or
25 emerging needs;

1 “(E) presents the best means to align re-
2 sources with multiyear plans and priorities;

3 “(F) ensures the coordination of highway
4 research and technology transfer activities, in-
5 cluding through activities performed by univer-
6 sity transportation centers;

7 “(G) educates current and future transpor-
8 tation professionals; or”;

9 (E) in paragraph (4) (as redesignated by
10 subparagraph (A)) by striking subparagraphs
11 (B) through (D) and inserting the following:

12 “(B) partner with State highway agencies
13 and other stakeholders as appropriate, includ-
14 ing international entities, to facilitate research
15 and technology transfer activities;

16 “(C) communicate the results of ongoing
17 and completed research;

18 “(D) lead efforts to coordinate national
19 emphasis areas of highway research, technology,
20 and innovation deployment;

21 “(E) leverage partnerships with industry,
22 academia, and international entities; and

23 “(F) conduct, facilitate, and support train-
24 ing and education of current and future trans-
25 portation professionals.”;

1 (F) in paragraph (5)(C) (as redesignated
2 by subparagraph (A)) by striking “policy and
3 planning” and inserting “all highway objectives
4 seeking to improve the performance of the
5 transportation system”;

6 (G) in paragraph (6) (as redesignated by
7 subparagraph (A)) in the second sentence, by
8 inserting “tribal governments,” after “local gov-
9 ernments,”; and

10 (H) in paragraph (8) (as redesignated by
11 subparagraph (A))—

12 (i) in the first sentence, by striking
13 “To the maximum” and inserting the fol-
14 lowing:

15 “(A) IN GENERAL.—To the maximum”;

16 (ii) in the second sentence, by striking
17 “Performance measures” and inserting the
18 following:

19 “(B) PERFORMANCE MEASURES.—Per-
20 formance measures”;

21 (iii) in the third sentence, by striking
22 “All evaluations” and inserting the fol-
23 lowing:

24 “(D) AVAILABILITY OF EVALUATIONS.—All
25 evaluations under this paragraph”; and

1 (iv) by inserting after subparagraph
2 (B) the following:

3 “(C) PROGRAM PLAN.—To the maximum
4 extent practicable, each program pursued under
5 this chapter shall be part of a data-driven, out-
6 come-oriented program plan.”;

7 (3) in subsection (b)—

8 (A) in paragraph (4) by striking “surface
9 transportation research and technology develop-
10 ment strategic plan developed under section
11 508” and inserting “the transportation research
12 and development strategic plan of the Sec-
13 retary”;

14 (B) in paragraph (5) by striking “section”
15 each place it appears and inserting “chapter”;

16 (C) in paragraph (6) by adding at the end
17 the following:

18 “(C) TRANSFER OF AMOUNTS AMONG
19 STATES OR TO FEDERAL HIGHWAY ADMINIS-
20 TRATION.—The Secretary may, at the request
21 of a State, transfer amounts apportioned or al-
22 located to that State under this chapter to an-
23 other State or the Federal Highway Adminis-
24 tration to fund research, development, and tech-

1 nology transfer activities of mutual interest on
2 a pooled funds basis.

3 “(D) TRANSFER OF OBLIGATION AUTHOR-
4 ITY.—Obligation authority for amounts trans-
5 ferred under this subsection shall be disbursed
6 in the same manner and for the same amount
7 as provided for the project being transferred.”;
8 and

9 (D) by adding at the end the following:

10 “(7) PRIZE COMPETITIONS.—

11 “(A) IN GENERAL.—The Secretary may
12 carry out prize competitions to award competi-
13 tive prizes for surface transportation innova-
14 tions that have the potential for application to
15 the research and technology objectives and ac-
16 tivities of the Federal Highway Administration
17 to improve system performance.

18 “(B) REQUIREMENTS.—

19 “(i) IN GENERAL.—The Secretary
20 shall use a competitive process for the se-
21 lection of prize recipients and shall widely
22 advertise and solicit participation in prize
23 competitions under this paragraph.

24 “(ii) REGISTRATION REQUIRED.—No
25 individual or entity shall participate in a

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1 prize competition under this paragraph un-
2 less the individual or entity has registered
3 with the Secretary in accordance with the
4 eligibility requirements established by the
5 Secretary under clause (iii).

6 “(iii) MINIMUM REQUIREMENTS.—The
7 Secretary shall establish eligibility require-
8 ments for participation in each prize com-
9 petition under this paragraph, which, at a
10 minimum, shall—

11 “(I) limit participation in the
12 prize competition to—

13 “(aa) individuals who are
14 citizens of the United States;

15 “(bb) entities organized or
16 existing under the laws of the
17 United States or of a State; and

18 “(cc) entities organized or
19 existing under the laws of a for-
20 eign country, if the controlling
21 interest, as defined by the Sec-
22 retary, is held by an individual or
23 entity described in item (aa) or
24 (bb);

1 “(II) require any individual or
2 entity that registers for a prize com-
3 petition—

4 “(aa) to assume all risks
5 arising from participation in the
6 competition; and

7 “(bb) to waive all claims
8 against the Federal Government
9 for any damages arising out of
10 participation in the competition,
11 including all claims, whether
12 through negligence or otherwise,
13 except in the case of willful mis-
14 conduct, for—

15 “(AA) injury, death,
16 damage, or loss of property;
17 or

18 “(BB) loss of revenue
19 or profits, whether direct,
20 indirect, or consequential;
21 and

22 “(III) require any individual or
23 entity that registers for a prize com-
24 petition to waive all claims against
25 any non-Federal entity operating or

1 managing the prize competition, such
2 as a private contractor managing
3 competition activities, to the extent
4 that the Secretary believes is nec-
5 essary to protect the interests of the
6 Federal Government.

7 “(C) RELATIONSHIP TO OTHER AUTHOR-
8 ITY.—The Secretary may exercise the authority
9 in this section in conjunction with, or in addi-
10 tion to, any other authority of the Secretary to
11 acquire, support, or stimulate innovations with
12 the potential for application to the Federal
13 highway research technology and education pro-
14 gram.”;

15 (4) in subsection (c)—

16 (A) in paragraph (3)(A)—

17 (i) by striking “subsection” and in-
18 sserting “chapter”; and

19 (ii) by striking “50” and inserting
20 “80”; and

21 (B) in paragraph (4) by striking “sub-
22 section” and inserting “chapter”; and

23 (5) by striking subsections (d) through (j).

24 (b) CONFORMING AMENDMENT.—The analysis for
25 chapter 5 of title 23, United States Code, is amended by

1 striking the item relating to section 502 and inserting the
2 following:

“502. Surface transportation research, development, and technology.”.

3 **SEC. 52003. RESEARCH AND TECHNOLOGY DEVELOPMENT**
4 **AND DEPLOYMENT.**

5 (a) IN GENERAL.—Section 503 of title 23, United
6 States Code, is amended to read as follows:

7 **“§ 503. Research and technology development and de-**
8 **ployment**

9 “(a) IN GENERAL.—The Secretary shall—

10 “(1) carry out research, development, and de-
11 ployment activities that encompass the entire inno-
12 vation lifecycle; and

13 “(2) ensure that all research carried out under
14 this section aligns with the transportation research
15 and development strategic plan of the Secretary.

16 “(b) HIGHWAY RESEARCH AND DEVELOPMENT PRO-
17 GRAM.—

18 “(1) OBJECTIVES.—In carrying out the high-
19 way research and development program, the Sec-
20 retary, to address current and emerging highway
21 transportation needs, shall—

22 “(A) identify research topics;

23 “(B) coordinate domestic and international
24 research and development activities;

1 “(C) carry out research, testing, and eval-
2 uation activities; and

3 “(D) provide technology transfer and tech-
4 nical assistance.

5 “(2) CONTENTS.—Research and development
6 activities carried out under this section may include
7 any of the following activities:

8 “(A) IMPROVING HIGHWAY SAFETY.—

9 “(i) IN GENERAL.—The Secretary
10 shall carry out research and development
11 activities from an integrated perspective to
12 establish and implement systematic meas-
13 ures to improve highway safety.

14 “(ii) OBJECTIVES.—In carrying out
15 this subparagraph the Secretary shall
16 carry out research and development activi-
17 ties—

18 “(I) to achieve greater long-term
19 safety gains;

20 “(II) to reduce the number of fa-
21 talities and serious injuries on public
22 roads;

23 “(III) to fill knowledge gaps that
24 limit the effectiveness of research;

1 “(IV) to support the development
2 and implementation of State strategic
3 highway safety plans;

4 “(V) to advance improvements
5 in, and use of, performance prediction
6 analysis for decisionmaking; and

7 “(VI) to expand technology
8 transfer to partners and stakeholders.

9 “(iii) CONTENTS.—Research and tech-
10 nology activities carried out under this
11 subparagraph may include—

12 “(I) safety assessments and deci-
13 sionmaking tools;

14 “(II) data collection and analysis;

15 “(III) crash reduction projec-
16 tions;

17 “(IV) low-cost safety counter-
18 measures;

19 “(V) innovative operational im-
20 provements and designs of roadway
21 and roadside features;

22 “(VI) evaluation of counter-
23 measure costs and benefits;

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1 “(VII) development of tools for
2 projecting impacts of safety counter-
3 measures;

4 “(VIII) rural road safety meas-
5 ures;

6 “(IX) safety measures for vulner-
7 able road users, including bicyclists
8 and pedestrians;

9 “(X) safety policy studies;

10 “(XI) human factors studies and
11 measures;

12 “(XII) safety technology deploy-
13 ment;

14 “(XIII) safety workforce profes-
15 sional capacity building initiatives;

16 “(XIV) safety program and proc-
17 ess improvements; and

18 “(XV) tools and methods to en-
19 hance safety performance, including
20 achievement of statewide safety per-
21 formance targets.

22 “(B) IMPROVING INFRASTRUCTURE INTEG-
23 RITY.—

24 “(i) IN GENERAL.—The Secretary
25 shall carry out and facilitate highway and

1 bridge infrastructure research and develop-
2 ment activities—

3 “(I) to maintain infrastructure
4 integrity;

5 “(II) to meet user needs; and

6 “(III) to link Federal transpor-
7 tation investments to improvements in
8 system performance.

9 “(ii) OBJECTIVES.—In carrying out
10 this subparagraph, the Secretary shall
11 carry out research and development activi-
12 ties—

13 “(I) to reduce the number of fa-
14 talities attributable to infrastructure
15 design characteristics and work zones;

16 “(II) to improve the safety and
17 security of highway infrastructure;

18 “(III) to increase the reliability
19 of lifecycle performance predictions
20 used in infrastructure design, con-
21 struction, and management;

22 “(IV) to improve the ability of
23 transportation agencies to deliver
24 projects that meet expectations for
25 timeliness, quality, and cost;

1 “(V) to reduce user delay attrib-
2 utable to infrastructure system per-
3 formance, maintenance, rehabilitation,
4 and construction;

5 “(VI) to improve highway condi-
6 tion and performance through in-
7 creased use of design, materials, con-
8 struction, and maintenance innova-
9 tions;

10 “(VII) to reduce the lifecycle en-
11 vironmental impacts of highway infra-
12 structure through innovations in de-
13 sign, construction, operation, preser-
14 vation, and maintenance; and

15 “(VIII) to study vulnerabilities of
16 the transportation system to seismic
17 activities and extreme events and
18 methods to reduce those
19 vulnerabilities.

20 “(iii) CONTENTS.—Research and tech-
21 nology activities carried out under this
22 subparagraph may include—

23 “(I) long-term infrastructure per-
24 formance programs addressing pave-

1 ments, bridges, tunnels, and other
2 structures;

3 “(II) short-term and accelerated
4 studies of infrastructure performance;

5 “(III) research to develop more
6 durable infrastructure materials and
7 systems;

8 “(IV) advanced infrastructure de-
9 sign methods;

10 “(V) accelerated highway and
11 bridge construction;

12 “(VI) performance-based speci-
13 fications;

14 “(VII) construction and materials
15 quality assurance;

16 “(VIII) comprehensive and inte-
17 grated infrastructure asset manage-
18 ment;

19 “(IX) infrastructure safety assur-
20 ance;

21 “(X) highway infrastructure se-
22 curity;

23 “(XI) sustainable infrastructure
24 design and construction;

1 “(XII) infrastructure rehabilita-
2 tion and preservation techniques, in-
3 cluding techniques to rehabilitate and
4 preserve historic infrastructure;

5 “(XIII) hydraulic, geotechnical,
6 and aerodynamic aspects of infra-
7 structure;

8 “(XIV) improved highway con-
9 struction technologies and practices;

10 “(XV) improved tools, tech-
11 nologies, and models for infrastruc-
12 ture management, including assess-
13 ment and monitoring of infrastructure
14 condition;

15 “(XVI) studies to improve flexi-
16 bility and resiliency of infrastructure
17 systems to withstand climate varia-
18 bility;

19 “(XVII) studies on the effective-
20 ness of fiber-based additives to im-
21 prove the durability of surface trans-
22 portation materials in various geo-
23 graphic regions;

1 “(XVIII) studies of infrastruc-
2 ture resilience and other adaptation
3 measures;

4 “(XIX) maintenance of seismic
5 research activities, including research
6 carried out in conjunction with other
7 Federal agencies to study the vulner-
8 ability of the transportation system to
9 seismic activity and methods to reduce
10 that vulnerability; and

11 “(XX) technology transfer and
12 adoption of permeable, pervious, or
13 porous paving materials, practices,
14 and systems that are designed to min-
15 imize environmental impacts,
16 stormwater runoff, and flooding and
17 to treat or remove pollutants by allow-
18 ing stormwater to infiltrate through
19 the pavement in a manner similar to
20 predevelopment hydrologic conditions.

21 “(iv) LIFECYCLE COSTS ANALYSIS
22 STUDY.—

23 “(I) IN GENERAL.—In this
24 clause, the term ‘lifecycle costs anal-
25 ysis’ means a process for evaluating

1 the total economic worth of a usable
2 project segment by analyzing initial
3 costs and discounted future costs,
4 such as maintenance, user, recon-
5 struction, rehabilitation, restoring,
6 and resurfacing costs, over the life of
7 the project segment.

8 “(II) STUDY.—The Comptroller
9 General shall conduct a study of the
10 best practices for calculating lifecycle
11 costs for federally funded highway
12 projects. At a minimum, this study
13 shall include a thorough literature re-
14 view and a survey of current lifecycle
15 cost practices of State departments of
16 transportation.

17 “(III) CONSULTATION.—In car-
18 rying out this study, the Comptroller
19 shall consult with, at a minimum—

20 “(aa) the American Associa-
21 tion of State Highway and
22 Transportation Officials;

23 “(bb) appropriate experts in
24 the field of lifecycle cost analysis;
25 and

1 “(cc) appropriate industry
2 experts and research centers.

3 “(IV) REPORT.—Not later than
4 1 year after the date of enactment of
5 the Transportation Research and In-
6 novative Technology Act of 2012, the
7 Comptroller General shall submit to
8 the Committee on Environment and
9 Public Works of the Senate and the
10 Committee on Transportation and In-
11 frastructure of the House of Rep-
12 resentatives a report on the results of
13 the study which shall include, but is
14 not limited to—

15 “(aa) a summary of the lat-
16 est research on lifecycle cost
17 analysis; and

18 “(bb) recommendations on
19 the appropriate—

20 “(AA) period of anal-
21 ysis;

22 “(BB) design period;

23 “(CC) discount rates;

24 and

1 “(DD) use of actual
2 material life and mainte-
3 nance cost data.

4 “(C) STRENGTHENING TRANSPORTATION
5 PLANNING AND ENVIRONMENTAL DECISION-
6 MAKING.—

7 “(i) IN GENERAL.—The Secretary
8 shall carry out research—

9 “(I) to improve transportation
10 planning and environmental decision-
11 making processes; and

12 “(II) to minimize the impact of
13 surface transportation on the environ-
14 ment and quality of life.

15 “(ii) OBJECTIVES.—In carrying out
16 this subparagraph the Secretary shall
17 carry out research and development activi-
18 ties—

19 “(I) to reduce the impact of high-
20 way infrastructure and operations on
21 the natural and human environment;

22 “(II) to advance improvements in
23 environmental analyses and processes
24 and context sensitive solutions for
25 transportation decisionmaking;

1 “(III) to improve construction
2 techniques;

3 “(IV) to accelerate construction
4 to reduce congestion and related emis-
5 sions;

6 “(V) to reduce the impact of
7 highway runoff on the environment;

8 “(VI) to maintain sustainability
9 of biological communities and eco-
10 systems adjacent to highway cor-
11 ridors;

12 “(VII) to improve understanding
13 and modeling of the factors that con-
14 tribute to the demand for transpor-
15 tation;

16 “(VIII) to improve transportation
17 planning decisionmaking and coordi-
18 nation; and

19 “(IX) to reduce the environ-
20 mental impacts of freight movement.

21 “(iii) CONTENTS.—Research and tech-
22 nology activities carried out under this
23 subparagraph may include—

24 “(I) creation of models and tools
25 for evaluating transportation meas-

1 ures and transportation system de-
2 signs;

3 “(II) congestion reduction ef-
4 forts;

5 “(III) transportation and eco-
6 nomic development planning in rural
7 areas and small communities;

8 “(IV) improvement of State,
9 local, and tribal capabilities relating
10 to surface transportation planning
11 and the environment;

12 “(V) environmental stewardship
13 and sustainability activities;

14 “(VI) streamlining of project de-
15 livery processes;

16 “(VII) development of effective
17 strategies and techniques to analyze
18 and minimize impacts to the natural
19 and human environment and provide
20 environmentally beneficial mitigation;

21 “(VIII) comprehensive multi-
22 national planning;

23 “(IX) multistate transportation
24 corridor planning;

1 “(X) improvement of transpor-
2 tation choices, including walking, bicy-
3 cling, and linkages to public transpor-
4 tation;

5 “(XI) ecosystem sustainability;

6 “(XII) wildlife and plant popu-
7 lation connectivity and interaction
8 across and along highway corridors;

9 “(XIII) analysis, measurement,
10 and reduction of air pollution from
11 transportation sources;

12 “(XIV) advancement in the un-
13 derstanding of health impact analyses
14 in transportation planning and project
15 development;

16 “(XV) transportation planning
17 professional development;

18 “(XVI) research on improving
19 the cooperation and integration of
20 transportation planning with other re-
21 gional plans, including land use, en-
22 ergy, water infrastructure, economic
23 development, and housing plans;

1 “(XVII) reducing the environ-
2 mental impacts of freight movement;
3 and

4 “(XVIII) alternative transpor-
5 tation fuels research.

6 “(D) REDUCING CONGESTION, IMPROVING
7 HIGHWAY OPERATIONS, AND ENHANCING
8 FREIGHT PRODUCTIVITY.—

9 “(i) IN GENERAL.—The Secretary
10 shall carry out research under this sub-
11 paragraph with the goals of—

12 “(I) addressing congestion prob-
13 lems;

14 “(II) reducing the costs of con-
15 gestion;

16 “(III) improving freight move-
17 ment;

18 “(IV) increasing productivity;
19 and

20 “(V) improving the economic
21 competitiveness of the United States.

22 “(ii) OBJECTIVES.—In carrying out
23 this subparagraph, the Secretary shall
24 carry out research and development activi-

1 ties to identify, develop, and assess innova-
2 tions that have the potential—

3 “(I) to reduce traffic congestion;

4 “(II) to improve freight move-
5 ment; and

6 “(III) to reduce freight-related
7 congestion throughout the transpor-
8 tation network.

9 “(iii) CONTENTS.—Research and tech-
10 nology activities carried out under this
11 subparagraph may include—

12 “(I) active traffic and demand
13 management;

14 “(II) acceleration of the imple-
15 mentation of Intelligent Transpor-
16 tation Systems technology;

17 “(III) advanced transportation
18 concepts and analysis;

19 “(IV) arterial management and
20 traffic signal operation;

21 “(V) congestion pricing;

22 “(VI) corridor management;

23 “(VII) emergency operations;

24 “(VIII) research relating to ena-
25 bling technologies and applications;

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- 1 “(IX) freeway management;
- 2 “(X) evaluation of enabling tech-
- 3 nologies;
- 4 “(XI) freight industry profes-
- 5 sional development;
- 6 “(XII) impacts of vehicle size
- 7 and weight on congestion;
- 8 “(XIII) freight operations and
- 9 technology;
- 10 “(XIV) operations and freight
- 11 performance measurement and man-
- 12 agement;
- 13 “(XV) organization and planning
- 14 for operations;
- 15 “(XVI) planned special events
- 16 management;
- 17 “(XVII) real-time transportation
- 18 information;
- 19 “(XVIII) road weather manage-
- 20 ment;
- 21 “(XIX) traffic and freight data
- 22 and analysis tools;
- 23 “(XX) traffic control devices;
- 24 “(XXI) traffic incident manage-
- 25 ment;

1 “(XXII) work zone management;

2 “(XXIII) communication of travel,
3 el, roadway, and emergency information
4 to persons with disabilities; and

5 “(XXIV) research on enhanced
6 mode choice and intermodal
7 connectivity.

8 “(E) ASSESSING POLICY AND SYSTEM FI-
9 NANCING ALTERNATIVES.—

10 “(i) IN GENERAL.—The Secretary
11 shall carry out research and technology on
12 emerging issues in the domestic and inter-
13 national transportation community from a
14 policy perspective.

15 “(ii) OBJECTIVES.—Research and
16 technology activities carried out under this
17 subparagraph shall provide information to
18 policy and decisionmakers on current and
19 emerging transportation issues.

20 “(iii) RESEARCH ACTIVITIES.—Activi-
21 ties carried out under this subparagraph
22 shall include—

23 “(I) the planning and integration
24 of a coordinated program related to
25 the possible design, interoperability,

1 and institutional roles of future sus-
2 tainable transportation revenue mech-
3 anisms;

4 “(II) field trials to research po-
5 tential alternative revenue mecha-
6 nisms, and the Secretary may partner
7 with individual States, groups of
8 States, or other entities to implement
9 such trials; and

10 “(III) other activities to study
11 new methods which preserve a user-
12 fee structure to maintain the long-
13 term solvency of the Highway Trust
14 Fund.

15 “(iv) CONTENTS.—Research and tech-
16 nology activities carried out under this
17 subparagraph may include—

18 “(I) highway needs and invest-
19 ment analysis;

20 “(II) a motor fuel tax evasion
21 program;

22 “(III) advancing innovations in
23 revenue generation, financing, and
24 procurement for project delivery;

1 “(IV) improving the accuracy of
2 project cost analyses;

3 “(V) highway performance meas-
4 urement;

5 “(VI) travel demand performance
6 measurement;

7 “(VII) highway finance perform-
8 ance measurement;

9 “(VIII) international technology
10 exchange initiatives;

11 “(IX) infrastructure investment
12 needs reports;

13 “(X) promotion of the tech-
14 nologies, products, and best practices
15 of the United States; and

16 “(XI) establishment of partner-
17 ships among the United States, for-
18 eign agencies, and transportation ex-
19 perts.

20 “(v) FUNDING.—Of the funds author-
21 ized to carry out this subsection, no less
22 than 50 percent shall be used to carry out
23 clause (iii).

24 “(F) INFRASTRUCTURE INVESTMENT
25 NEEDS REPORT.—

1 on all functional classifications of
2 Federal-aid highways for accurate sys-
3 tem length, lane length, and vehicle-
4 mile of travel; and

5 “(II) changes to the reporting re-
6 quirements authorized under section
7 315, to reflect recommendations
8 under this paragraph for collection,
9 storage, analysis, reporting, and dis-
10 play of data for Federal-aid highways
11 and, to the maximum extent practical,
12 all public roads.

13 “(G) EXPLORING NEXT GENERATION SO-
14 LUTIONS AND CAPITALIZING ON THE HIGHWAY
15 RESEARCH CENTER.—

16 “(i) IN GENERAL.—The Secretary
17 shall carry out research and development
18 activities relating to exploratory advanced
19 research—

20 “(I) to leverage the targeted ca-
21 pabilities of the Turner-Fairbank
22 Highway Research Center to develop
23 technologies and innovations of na-
24 tional importance; and

1 “(II) to develop potentially trans-
2 formational solutions to improve the
3 durability, efficiency, environmental
4 impact, productivity, and safety as-
5 pects of highway and intermodal
6 transportation systems.

7 “(ii) CONTENTS.—Research and tech-
8 nology activities carried out under this
9 subparagraph may include—

10 “(I) long-term, high-risk research
11 to improve the materials used in high-
12 way infrastructure;

13 “(II) exploratory research to as-
14 sess the effects of transportation deci-
15 sions on human health;

16 “(III) advanced development of
17 surrogate measures for highway safe-
18 ty;

19 “(IV) transformational research
20 to affect complex environmental and
21 highway system relationships;

22 “(V) development of economical
23 and environmentally sensitive designs,
24 efficient and quality-controlled con-

1 construction practices, and durable mate-
2 rials;

3 “(VI) development of advanced
4 data acquisition techniques for system
5 condition and performance moni-
6 toring;

7 “(VII) inclusive research for
8 hour-to-hour operational decision-
9 making and simulation forecasting;

10 “(VIII) understanding current
11 and emerging phenomena to inform
12 next generation transportation policy
13 decisionmaking; and

14 “(IX) continued improvement
15 and advancement of the Turner-
16 Fairbank Highway Research Center.

17 “(H) ALIGNING NATIONAL CHALLENGES
18 AND DISSEMINATING INFORMATION.—

19 “(i) IN GENERAL.—The Secretary
20 shall conduct research and development ac-
21 tivities—

22 “(I) to establish a nationally co-
23 ordinated highway research agenda
24 that—

1 “(aa) focuses on topics of
2 national significance;

3 “(bb) addresses current gaps
4 in research;

5 “(cc) encourages collabora-
6 tion;

7 “(dd) reduces unnecessary
8 duplication of effort; and

9 “(ee) accelerates innovation
10 delivery; and

11 “(II) to provide relevant informa-
12 tion to researchers and highway and
13 transportation practitioners to im-
14 prove the performance of the trans-
15 portation system.

16 “(ii) CONTENTS.—Research and tech-
17 nology activities carried out under this
18 subparagraph may include—

19 “(I) coordination, development,
20 and implementation of a national
21 highway research agenda;

22 “(II) collaboration on national
23 emphasis areas of highway research
24 and coordination among international,

1 Federal, State, and university re-
2 search programs;

3 “(III) development and delivery
4 of research reports and innovation de-
5 livery messages;

6 “(IV) identification of market-
7 ready technologies and innovations;
8 and

9 “(V) provision of access to data
10 developed under this subparagraph to
11 the public, including researchers,
12 stakeholders, and customers, through
13 a publicly accessible Internet site.

14 “(c) TECHNOLOGY AND INNOVATION DEPLOYMENT
15 PROGRAM.—

16 “(1) IN GENERAL.—The Secretary shall carry
17 out a technology and innovation deployment pro-
18 gram relating to all aspects of highway transpor-
19 tation, including planning, financing, operation,
20 structures, materials, pavements, environment, con-
21 struction, and the duration of time between project
22 planning and project delivery, with the goals of—

23 “(A) significantly accelerating the adoption
24 of innovative technologies by the surface trans-
25 portation community;

1 “(B) providing leadership and incentives to
2 demonstrate and promote state-of-the-art tech-
3 nologies, elevated performance standards, and
4 new business practices in highway construction
5 processes that result in improved safety, faster
6 construction, reduced congestion from construc-
7 tion, and improved quality and user satisfac-
8 tion;

9 “(C) constructing longer-lasting highways
10 through the use of innovative technologies and
11 practices that lead to faster construction of effi-
12 cient and safe highways and bridges;

13 “(D) improving highway efficiency, safety,
14 mobility, reliability, service life, environmental
15 protection, and sustainability; and

16 “(E) developing and deploying new tools,
17 techniques, and practices to accelerate the
18 adoption of innovation in all aspects of highway
19 transportation.

20 “(2) IMPLEMENTATION.—

21 “(A) IN GENERAL.—The Secretary shall
22 promote, facilitate, and carry out the program
23 established under paragraph (1) to distribute
24 the products, technologies, tools, methods, or
25 other findings that result from highway re-

1 search and development activities, including re-
2 search and development activities carried out
3 under this chapter.

4 “(B) ACCELERATED INNOVATION DEPLOY-
5 MENT.—In carrying out the program estab-
6 lished under paragraph (1), the Secretary
7 shall—

8 “(i) establish and carry out dem-
9 onstration programs;

10 “(ii) provide incentives, technical as-
11 sistance, and training to researchers and
12 developers; and

13 “(iii) develop improved tools and
14 methods to accelerate the adoption of prov-
15 en innovative practices and technologies as
16 standard practices.

17 “(C) IMPLEMENTATION OF FUTURE STRA-
18 TEGIC HIGHWAY RESEARCH PROGRAM FINDINGS
19 AND RESULTS.—

20 “(i) IN GENERAL.—The Secretary, in
21 consultation with the American Association
22 of State Highway and Transportation Offi-
23 cials and the Transportation Research
24 Board of the National Academy of
25 Sciences, shall implement the findings and

1 recommendations developed under the fu-
2 ture strategic highway research program
3 established under section 510.

4 “(ii) BASIS FOR FINDINGS.—The ac-
5 tivities carried out under this subpara-
6 graph shall be based on the report sub-
7 mitted to Congress by the Transportation
8 Research Board of the National Academy
9 of Sciences under section 510(e).

10 “(iii) PERSONNEL.—The Secretary
11 may use funds made available to carry out
12 this subsection for administrative costs
13 under this subparagraph, which funds shall
14 be used in addition to any other funds
15 made available for that purpose.

16 “(iv) FEES.—

17 “(I) IN GENERAL.—The Sec-
18 retary may impose and collect fees to
19 recover costs associated with special
20 data or analysis requests relating to
21 safety naturalistic driving databases
22 developed under the future of stra-
23 tegic highway research program.

24 “(II) USE OF FEE AMOUNTS.—

1 “(aa) IN GENERAL.—Any
2 fees collected under this clause
3 shall be made available to the
4 Secretary to carry out this sec-
5 tion and shall remain available
6 for expenditure until expended.

7 “(bb) SUPPLEMENT, NOT
8 SUPPLANT.—Any fee amounts
9 collected under this clause shall
10 supplement, but not supplant,
11 amounts made available to the
12 Secretary to carry out this title.

13 “(3) ACCELERATED IMPLEMENTATION AND DE-
14 PLOYMENT OF PAVEMENT TECHNOLOGIES.—

15 “(A) IN GENERAL.—The Secretary shall
16 establish and implement a program under the
17 technology and innovation deployment program
18 to promote, implement, deploy, demonstrate,
19 showcase, support, and document the applica-
20 tion of innovative pavement technologies, prac-
21 tices, performance, and benefits.

22 “(B) GOALS.—The goals of the accelerated
23 implementation and deployment of pavement
24 technologies program shall include—

1 “(i) the deployment of new, cost-effec-
2 tive designs, materials, recycled materials,
3 and practices to extend the pavement life
4 and performance and to improve user sat-
5 isfaction;

6 “(ii) the reduction of initial costs and
7 lifecycle costs of pavements, including the
8 costs of new construction, replacement,
9 maintenance, and rehabilitation;

10 “(iii) the deployment of accelerated
11 construction techniques to increase safety
12 and reduce construction time and traffic
13 disruption and congestion;

14 “(iv) the deployment of engineering
15 design criteria and specifications for new
16 and efficient practices, products, and mate-
17 rials for use in highway pavements;

18 “(v) the deployment of new non-
19 destructive and real-time pavement evalua-
20 tion technologies and construction tech-
21 niques; and

22 “(vi) effective technology transfer and
23 information dissemination to accelerate im-
24 plementation of new technologies and to

1 improve life, performance, cost effective-
2 ness, safety, and user satisfaction.

3 “(C) FUNDING.—The Secretary shall obli-
4 gate for each of fiscal years 2012 through 2013
5 from funds made available to carry out this
6 subsection—

7 “(i) \$6,000,000 to accelerate the de-
8 ployment and implementation of asphalt
9 pavement technology; and

10 “(ii) \$6,000,000 to accelerate the de-
11 ployment and implementation of concrete
12 pavement technology used in highways on
13 the national highway system.

14 “(D) ADMINISTRATION.—

15 “(i) IN GENERAL.—The implementa-
16 tion and deployment activities to be carried
17 out under this paragraph shall be identi-
18 fied and conducted in collaboration with
19 industry, State departments of transpor-
20 tation, the Federal Highway Administra-
21 tion, the National Academy of Sciences,
22 and other appropriate entities, using the
23 respective road maps (the Concrete Pave-
24 ment Road Map and National Asphalt
25 Roadmap) as a guide.

1 “(ii) COLLABORATION.—The Federal
2 Highway Administration shall collaborate
3 with organizations that have a proven
4 track record of effective technology deploy-
5 ment on a national scale, stakeholder in-
6 volvement, and leveraging of public sector
7 investment.

8 “(iii) ADVISORY COMMITTEE.—A
9 pavement technology implementation advi-
10 sory committee comprised of key stake-
11 holders, including the Federal Highway
12 Administration, State departments of
13 transportation, and the pavement industry,
14 shall be established to oversee and advise
15 the program efforts.

16 “(iv) REPORT.—The Secretary shall
17 annually submit to the Committee on Envi-
18 ronment and Public Works of the Senate
19 and the Committee on Transportation and
20 Infrastructure of the House of Representa-
21 tives a report that details the progress and
22 results of the activities carried out under
23 this paragraph.

24 “(d) AIR QUALITY AND CONGESTION MITIGATION
25 MEASURE OUTCOMES ASSESSMENT RESEARCH.—

1 “(1) IN GENERAL.—The Secretary, in consulta-
2 tion with the Administrator of the Environmental
3 Protection Agency, shall carry out a research pro-
4 gram to examine the outcomes of actions funded
5 under the congestion mitigation and air quality im-
6 provement program since the enactment of the
7 SAFETEA-LU (Public Law 109–59).

8 “(2) GOALS.—The goals of the program shall
9 include—

10 “(A) the assessment and documentation,
11 through outcomes research conducted on a rep-
12 resentative sample of cases, of—

13 “(i) the emission reductions achieved
14 by federally supported surface transpor-
15 tation actions intended to reduce emissions
16 or lessen traffic congestion; and

17 “(ii) the air quality and human health
18 impacts of those actions, including poten-
19 tial unrecognized or indirect consequences,
20 attributable to those actions;

21 “(B) an expanded base of empirical evi-
22 dence on the air quality and human health im-
23 pacts of actions described in paragraph (1); and

24 “(C) an increase in knowledge of—

1 “(i) the factors determining the air
2 quality and human health changes associ-
3 ated with transportation emission reduc-
4 tion actions; and

5 “(ii) other information to more accu-
6 rately understand the validity of current
7 estimation and modeling routines and ways
8 to improve those routines.

9 “(3) ADMINISTRATIVE ELEMENTS.—To carry
10 out this subsection, the Secretary shall—

11 “(A) make a grant for the coordination, se-
12 lection, management, and reporting of compo-
13 nent studies to an independent scientific re-
14 search organization with the necessary experi-
15 ence in successfully conducting accountability
16 and other studies on mobile source air pollut-
17 ants and associated health effects;

18 “(B) ensure that case studies are identified
19 and conducted by teams selected through a
20 competitive solicitation overseen by an inde-
21 pendent committee of unbiased experts; and

22 “(C) ensure that all findings and reports
23 are peer-reviewed and published in a form that
24 presents the findings together with reviewer
25 comments.

1 “(4) REPORT.—The Secretary shall submit to
2 the Committee on Environment and Public Works of
3 the Senate and the Committee on Transportation
4 and Infrastructure of the House of Representa-
5 tives—

6 “(A) not later than 1 year after the date
7 of enactment of the MAP–21, and for the fol-
8 lowing year, a report providing an initial
9 scoping and plan, and status updates, respec-
10 tively, for the program under this subsection;
11 and

12 “(B) not later than 2 years after the date
13 of enactment of the MAP–21, a final report
14 that describes the findings of, and recommenda-
15 tions resulting from, the program under this
16 subsection.

17 “(5) FUNDING.—Of the amounts made avail-
18 able to carry out this section, the Secretary shall
19 make available to carry out this subsection not more
20 than \$1,000,000 for each fiscal year.”.

21 (b) CONFORMING AMENDMENT.—The analysis for
22 chapter 5 of title 23, United States Code, is amended by
23 striking the item relating to section 503 and inserting the
24 following:

“503. Research and technology development and deployment.”.

1 **SEC. 52004. TRAINING AND EDUCATION.**

2 Section 504 of title 23, United States Code, is
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (2)(A) by inserting “and
6 the employees of any other applicable Federal
7 agency” before the semicolon at the end;

8 (B) in paragraph (3)(A)(ii)(V) by striking
9 “expediting” and inserting “reducing the
10 amount of time required for”;

11 (C) by striking paragraph (4);

12 (D) by redesignating paragraphs (5)
13 through (8) as paragraphs (4) through (7), re-
14 spectively; and

15 (E) in paragraph (7) (as redesignated by
16 subparagraph (D)) by striking “paragraph (7)”
17 and inserting “paragraph (6)”;

18 (2) in subsection (b) by striking paragraph (3)
19 and inserting the following:

20 “(3) FEDERAL SHARE.—

21 “(A) LOCAL TECHNICAL ASSISTANCE CEN-
22 TERS.—

23 “(i) IN GENERAL.—Subject to sub-
24 paragraph (B), the Federal share of the
25 cost of an activity carried out by a local

1 technical assistance center under para-
2 graphs (1) and (2) shall be 50 percent.

3 “(ii) NON-FEDERAL SHARE.—The
4 non-Federal share of the cost of an activity
5 described in clause (i) may consist of
6 amounts provided to a recipient under sub-
7 section (e) or section 505, up to 100 per-
8 cent of the non-Federal share.

9 “(B) TRIBAL TECHNICAL ASSISTANCE
10 CENTERS.—The Federal share of the cost of an
11 activity carried out by a tribal technical assist-
12 ance center under paragraph (2)(D)(ii) shall be
13 100 percent.”;

14 (3) in subsection (c)(2)—

15 (A) by striking “The Secretary” and in-
16 serting the following:

17 “(A) IN GENERAL.—The Secretary”;

18 (B) in subparagraph (A) (as designated by
19 subparagraph (A)) by striking “. The program”
20 and inserting “, which program”; and

21 (C) by adding at the end the following:

22 “(B) USE OF AMOUNTS.—Amounts pro-
23 vided to institutions of higher education to
24 carry out this paragraph shall be used to pro-
25 vide direct support of student expenses.”;

1 (4) in subsection (e)(1)—

2 (A) in the matter preceding subparagraph
3 (A) by striking “sections 104(b)(1), 104(b)(2),
4 104(b)(3), 104(b)(4), and 144(e)” and insert-
5 ing “paragraphs (1) through (4) of section
6 104(b)”;

7 (B) in subparagraph (D) by striking “and”
8 at the end;

9 (C) in subparagraph (E) by striking the
10 period and inserting a semicolon; and

11 (D) by adding at the end the following:

12 “(F) meetings of transportation profes-
13 sionals that include education and professional
14 development activities;

15 “(G) activities carried out by the National
16 Highway Institute under subsection (a); and

17 “(H) local technical assistance programs
18 under subsection (b).”;

19 (5) in subsection (f) in the heading, by striking
20 “PILOT”;

21 (6) in subsection (g)(4)(F) by striking “excel-
22 lence” and inserting “stewardship”; and

23 (7) by adding at the end the following:

24 “(h) CENTERS FOR SURFACE TRANSPORTATION EX-
25 CELLENCE.—

1 “(1) IN GENERAL.—The Secretary may make
2 grants under this section to establish and maintain
3 centers for surface transportation excellence.

4 “(2) GOALS.—The goals of a center referred to
5 in paragraph (1) shall be to promote and support
6 strategic national surface transportation programs
7 and activities relating to the work of State depart-
8 ments of transportation in the areas of environment,
9 surface transportation safety, rural safety, and
10 project finance.”.

11 **SEC. 52005. STATE PLANNING AND RESEARCH.**

12 Section 505 of title 23, United States Code, is
13 amended—

14 (1) in subsection (a)—

15 (A) in the matter preceding paragraph (1)
16 by striking “section 104 (other than sections
17 104(f) and 104(h)) and under section 144” and
18 inserting “paragraphs (1) through (5) of sec-
19 tion 104(b)”; and

20 (B) in paragraph (3) by striking “under
21 section 303” and inserting “, plans, and proc-
22 esses under sections 119, 148, 149, and 167”;

23 (2) in subsection (b)—

24 (A) in paragraph (1) by striking “25” and
25 inserting “24”; and

1 (B) in paragraph (2) by striking “75 per-
2 cent of the funds described in paragraph (1)”
3 and inserting “70 percent of the funds de-
4 scribed in subsection (a)”;

5 (3) by redesignating subsections (c) and (d) as
6 subsections (d) and (e), respectively;

7 (4) by inserting after subsection (b) the fol-
8 lowing:

9 “(c) IMPLEMENTATION OF FUTURE STRATEGIC
10 HIGHWAY RESEARCH PROGRAM FINDINGS AND RE-
11 SULTS.—

12 “(1) FUNDS.—Not less than 6 percent of the
13 funds subject to subsection (a) that are apportioned
14 to a State for a fiscal year shall be made available
15 to the Secretary to carry out section 503(c)(2)(C).

16 “(2) TREATMENT OF FUNDS.—Funds expended
17 under paragraph (1) shall not be considered to be
18 part of the extramural budget of the agency for the
19 purpose of section 9 of the Small Business Act (15
20 U.S.C. 638).”; and

21 (5) in paragraph (e) (as so redesignated) by
22 striking “section 118(b)(2)” and inserting “section
23 118(b)”.

1 **SEC. 52006. INTERNATIONAL HIGHWAY TRANSPORTATION**
2 **PROGRAM.**

3 Section 506 of title 23, United States Code, is re-
4 pealed.

5 **SEC. 52007. SURFACE TRANSPORTATION ENVIRONMENTAL**
6 **COOPERATIVE RESEARCH PROGRAM.**

7 Section 507 of title 23, United States Code, is re-
8 pealed.

9 **SEC. 52008. NATIONAL COOPERATIVE FREIGHT RESEARCH.**

10 Section 509(d) of title 23, United States Code, is
11 amended by adding at the end the following:

12 “(6) COORDINATION OF COOPERATIVE RE-
13 SEARCH.—The National Academy of Sciences shall
14 coordinate research agendas, research project selec-
15 tions, and competitions across all transportation-re-
16 lated cooperative research programs carried out by
17 the National Academy of Sciences to ensure pro-
18 gram efficiency, effectiveness, and the dissemination
19 of research findings.”.

20 **SEC. 52009. PRIZE AUTHORITY.**

21 (a) IN GENERAL.—Chapter 3 of title 49, United
22 States Code, is amended by inserting before section 336
23 the following:

24 **“§ 335. Prize authority**

25 “(a) IN GENERAL.—The Secretary of Transportation
26 may carry out a program, in accordance with this section,

1 to competitively award cash prizes to stimulate innovation
2 in basic and applied research, technology development,
3 and prototype demonstration that have the potential for
4 application to the national transportation system.

5 “(b) TOPICS.—In selecting topics for prize competi-
6 tions under this section, the Secretary shall—

7 “(1) consult with a wide variety of Government
8 and nongovernment representatives; and

9 “(2) give consideration to prize goals that dem-
10 onstrate innovative approaches and strategies to im-
11 prove the safety, efficiency, and sustainability of the
12 national transportation system.

13 “(c) ADVERTISING.—The Secretary shall encourage
14 participation in the prize competitions through extensive
15 advertising.

16 “(d) REQUIREMENTS AND REGISTRATION.—For each
17 prize competition, the Secretary shall publish a notice on
18 a public website that describes—

19 “(1) the subject of the competition;

20 “(2) the eligibility rules for participation in the
21 competition;

22 “(3) the amount of the prize; and

23 “(4) the basis on which a winner will be se-
24 lected.

1 “(e) ELIGIBILITY.—An individual or entity may not
2 receive a prize under this section unless the individual or
3 entity—

4 “(1) has registered to participate in the com-
5 petition pursuant to any rules promulgated by the
6 Secretary under this section;

7 “(2) has complied with all the requirements
8 under this section;

9 “(3)(A) in the case of a private entity, is incor-
10 porated in, and maintains a primary place of busi-
11 ness in, the United States; or

12 “(B) in the case of an individual, whether
13 participating singly or in a group, is a citizen
14 or permanent resident of the United States;
15 and

16 “(4) is not a Federal entity or Federal em-
17 ployee acting within the scope of his or her employ-
18 ment.

19 “(f) LIABILITY.—

20 “(1) ASSUMPTION OF RISK.—

21 “(A) IN GENERAL.—A registered partici-
22 pant shall agree to assume any and all risks
23 and waive claims against the Federal Govern-
24 ment and its related entities, except in the case
25 of willful misconduct, for any injury, death,

1 damage, or loss of property, revenue, or profits,
2 whether direct, indirect, or consequential, aris-
3 ing from participation in a competition, whether
4 such injury, death, damage, or loss arises
5 through negligence or otherwise.

6 “(B) RELATED ENTITY.—In this para-
7 graph, the term ‘related entity’ means a con-
8 tractor, subcontractor (at any tier), supplier,
9 user, customer, cooperating party, grantee, in-
10 vestigator, or detailee.

11 “(2) FINANCIAL RESPONSIBILITY.—A partici-
12 pant shall obtain liability insurance or demonstrate
13 financial responsibility, in amounts determined by
14 the Secretary, for claims by—

15 “(A) a third party for death, bodily injury,
16 or property damage, or loss resulting from an
17 activity carried out in connection with participa-
18 tion in a competition, with the Federal Govern-
19 ment named as an additional insured under the
20 registered participant’s insurance policy and
21 registered participants agreeing to indemnify
22 the Federal Government against third party
23 claims for damages arising from or related to
24 competition activities; and

1 “(B) the Federal Government for damage
2 or loss to Government property resulting from
3 such an activity.

4 “(g) JUDGES.—

5 “(1) SELECTION.—For each prize competition,
6 the Secretary, either directly or through an agree-
7 ment under subsection (h), shall assemble a panel of
8 qualified judges to select the winner or winners of
9 the prize competition on the basis described in sub-
10 section (d). Judges for each competition shall in-
11 clude individuals from outside the Administration,
12 including the private sector.

13 “(2) LIMITATIONS.—A judge selected under
14 this subsection may not—

15 “(A) have personal or financial interests
16 in, or be an employee, officer, director, or agent
17 of, any entity that is a registered participant in
18 a prize competition under this section; or

19 “(B) have a familial or financial relation-
20 ship with an individual who is a registered par-
21 ticipant.

22 “(h) ADMINISTERING THE COMPETITION.—The Sec-
23 retary may enter into an agreement with a private, non-
24 profit entity to administer the prize competition, subject
25 to the provisions of this section.

1 “(i) FUNDING.—

2 “(1) PRIVATE SECTOR FUNDING.—A cash prize
3 under this section may consist of funds appropriated
4 by the Federal Government and funds provided by
5 the private sector. The Secretary may accept funds
6 from other Federal agencies, State and local govern-
7 ments, and metropolitan planning organizations for
8 the cash prizes. The Secretary may not give any spe-
9 cial consideration to any private sector entity in re-
10 turn for a donation under this paragraph.

11 “(2) AVAILABILITY OF FUNDS.—Notwith-
12 standing any other provision of law, amounts appro-
13 priated for prize awards under this section—

14 “(A) shall remain available until expended;
15 and

16 “(B) may not be transferred, repro-
17 grammed, or expended for other purposes until
18 after the expiration of the 10-year period begin-
19 ning on the last day of the fiscal year for which
20 the funds were originally appropriated.

21 “(3) SAVINGS PROVISION.—Nothing in this sub-
22 section may be construed to permit the obligation or
23 payment of funds in violation of the Anti-Deficiency
24 Act (31 U.S.C. 1341).

1 “(4) PRIZE ANNOUNCEMENT.—A prize may not
2 be announced under this section until all the funds
3 needed to pay out the announced amount of the
4 prize have been appropriated or committed in writ-
5 ing by a private source.

6 “(5) PRIZE INCREASES.—The Secretary may
7 increase the amount of a prize after the initial an-
8 nouncement of the prize under this section if—

9 “(A) notice of the increase is provided in
10 the same manner as the initial notice of the
11 prize; and

12 “(B) the funds needed to pay out the an-
13 nounced amount of the increase have been ap-
14 propriated or committed in writing by a private
15 source.

16 “(6) CONGRESSIONAL NOTIFICATION.—A prize
17 competition under this section may offer a prize in
18 an amount greater than \$1,000,000 only after 30
19 days have elapsed after written notice has been
20 transmitted to the Committee on Commerce,
21 Science, and Transportation of the Senate and the
22 Committee on Science, Space, and Technology of the
23 House of Representatives.

24 “(7) AWARD LIMIT.—A prize competition under
25 this section may not result in the award of more

1 than \$25,000 in cash prizes without the approval of
2 the Secretary.

3 “(j) USE OF DEPARTMENT NAME AND INSIGNIA.—
4 A registered participant in a prize competition under this
5 section may use the Department’s name, initials, or insig-
6 nia only after prior review and written approval by the
7 Secretary.

8 “(k) COMPLIANCE WITH EXISTING LAW.—The Fed-
9 eral Government shall not, by virtue of offering or pro-
10 viding a prize under this section, be responsible for compli-
11 ance by registered participants in a prize competition with
12 Federal law, including licensing, export control, and non-
13 proliferation laws, and related regulations.”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 chapter 3 of title 49, United States Code, is amended by
16 inserting before the item relating to section 336 the fol-
17 lowing:

“335. Prize authority”.

18 **SEC. 52010. UNIVERSITY TRANSPORTATION CENTERS PRO-**
19 **GRAM.**

20 (a) IN GENERAL.—Section 5505 of title 49, United
21 States Code, is amended to read as follows:

22 **“§ 5505. University transportation centers program**

23 “(a) UNIVERSITY TRANSPORTATION CENTERS PRO-
24 GRAM.—

1 “(1) ESTABLISHMENT AND OPERATION.—The
2 Secretary shall make grants under this section to eli-
3 gible nonprofit institutions of higher education to es-
4 tablish and operate university transportation cen-
5 ters.

6 “(2) ROLE OF CENTERS.—The role of each uni-
7 versity transportation center referred to in para-
8 graph (1) shall be—

9 “(A) to advance transportation expertise
10 and technology in the varied disciplines that
11 comprise the field of transportation through
12 education, research, and technology transfer ac-
13 tivities;

14 “(B) to provide for a critical transpor-
15 tation knowledge base outside of the Depart-
16 ment of Transportation; and

17 “(C) to address critical workforce needs
18 and educate the next generation of transpor-
19 tation leaders.

20 “(b) COMPETITIVE SELECTION PROCESS.—

21 “(1) APPLICATIONS.—To receive a grant under
22 this section, a nonprofit institution of higher edu-
23 cation shall submit to the Secretary an application
24 that is in such form and contains such information
25 as the Secretary may require.

1 “(2) RESTRICTION.—Institutions may not apply
2 for both a national transportation center and a re-
3 gional transportation center.

4 “(3) GENERAL SELECTION CRITERIA.—

5 “(A) IN GENERAL.—Except as otherwise
6 provided by this section, the Secretary shall
7 award grants under this section in nonexclusive
8 candidate topic areas established by the Sec-
9 retary that address the research priorities iden-
10 tified in section 503 of title 23.

11 “(B) CRITERIA.—The Secretary, in con-
12 junction with the Administrators of the Federal
13 Highway Administration and the Federal Tran-
14 sit Administration, shall select each recipient of
15 a grant under this section through a competi-
16 tive process based on the assessment of the Sec-
17 retary relating to—

18 “(i) the demonstrated ability of the
19 recipient to address each specific topic area
20 described in the research and strategic
21 plans of the recipient;

22 “(ii) the demonstrated research, tech-
23 nology transfer, and education resources
24 available to the recipient to carry out this
25 section;

1 “(iii) the ability of the recipient to
2 provide leadership in solving immediate
3 and long-range national and regional
4 transportation problems;

5 “(iv) the ability of the recipient to
6 carry out research, education, and tech-
7 nology transfer activities that are
8 multimodal and multidisciplinary in scope;

9 “(v) the demonstrated commitment of
10 the recipient to carry out transportation
11 workforce development programs
12 through—

13 “(I) degree-granting programs;

14 “(II) training seminars for prac-
15 ticing professionals;

16 “(III) outreach activities to at-
17 tract new entrants into the transpor-
18 tation field, including women, minori-
19 ties, and persons from disadvantaged
20 communities; and

21 “(IV) primary and secondary
22 school transportation workforce out-
23 reach;

24 “(vi) the demonstrated ability of the
25 recipient to disseminate results and spur

1 the implementation of transportation re-
2 search and education programs through
3 national or statewide continuing education
4 programs;

5 “(vii) the demonstrated commitment
6 of the recipient to the use of peer review
7 principles and other research best practices
8 in the selection, management, and dissemi-
9 nation of research projects;

10 “(viii) the strategic plan submitted by
11 the recipient describing the proposed re-
12 search to be carried out by the recipient
13 and the performance metrics to be used in
14 assessing the performance of the recipient
15 in meeting the stated research, technology
16 transfer, education, and outreach goals;
17 and

18 “(ix) the ability of the recipient to im-
19 plement the proposed program in a cost-ef-
20 ficient manner, such as through cost shar-
21 ing and overall reduced overhead, facilities,
22 and administrative costs.

23 “(c) GRANTS.—

24 “(1) IN GENERAL.—Not later than 1 year after
25 the date of enactment of the Transportation Re-

1 search and Innovative Technology Act of 2012, the
2 Secretary, in conjunction with the Administrators of
3 the Federal Highway Administration and the Fed-
4 eral Transit Administration, shall select grant recipi-
5 ents under subsection (b) and make grant amounts
6 available to the selected recipients.

7 “(2) NATIONAL TRANSPORTATION CENTERS.—

8 “(A) IN GENERAL.—For each of fiscal
9 years 2012 and 2013, and subject to subpara-
10 graph (B), the Secretary shall provide grants to
11 5 recipients that the Secretary determines best
12 meet the criteria described in subsection (b)(3).

13 “(B) RESTRICTIONS.—

14 “(i) IN GENERAL.—For each fiscal
15 year, a grant made available under this
16 paragraph shall not exceed \$3,250,000 per
17 recipient.

18 “(ii) FOCUSED RESEARCH.—The
19 grant recipients under this paragraph shall
20 focus research on national transportation
21 issues, as determined by the Secretary.

22 “(C) MATCHING REQUIREMENT.—

23 “(i) IN GENERAL.—As a condition of
24 receiving a grant under this paragraph, a
25 grant recipient shall match 100 percent of

1 the amounts made available under the
2 grant.

3 “(ii) SOURCES.—The matching
4 amounts referred to in clause (i) may in-
5 clude amounts made available to the recipi-
6 ent under—

7 “(I) section 504(b) or 505 of title
8 23; and

9 “(II) a transportation-related
10 grant from the National Science
11 Foundation subject to prior approval
12 by the Secretary.

13 “(3) REGIONAL UNIVERSITY TRANSPORTATION
14 CENTERS.—

15 “(A) LOCATION OF REGIONAL CENTERS.—

16 One regional university transportation center
17 shall be located in each of the 10 Federal re-
18 gions that comprise the Standard Federal Re-
19 gions established by the Office of Management
20 and Budget in the document entitled ‘Standard
21 Federal Regions’ and dated April, 1974 (cir-
22 cular A-105).

23 “(B) SELECTION CRITERIA.—In con-
24 ducting a competition under subsection (b), the

1 Secretary shall provide grants to 10 recipients
2 on the basis of—

3 “(i) the criteria described in sub-
4 section (b)(3);

5 “(ii) the location of the center within
6 the Federal region to be served; and

7 “(iii) whether the institution (or, in
8 the case of consortium of institutions, the
9 lead institution) demonstrates that the in-
10 stitution has a well-established, nationally
11 recognized program in transportation re-
12 search and education, as evidenced by—

13 “(I) recent expenditures by the
14 institution in highway or public trans-
15 portation research;

16 “(II) a historical track record of
17 awarding graduate degrees in profes-
18 sional fields closely related to high-
19 ways and public transportation; and

20 “(III) an experienced faculty who
21 specialize in professional fields closely
22 related to highways and public trans-
23 portation.

24 “(C) RESTRICTIONS.—For each fiscal
25 year, a grant made available under this para-

1 graph shall not exceed \$2,750,000 for each re-
2 cipient.

3 “(D) MATCHING REQUIREMENTS.—

4 “(i) IN GENERAL.—As a condition of
5 receiving a grant under this paragraph, a
6 grant recipient shall match 100 percent of
7 the amounts made available under the
8 grant.

9 “(ii) SOURCES.—The matching
10 amounts referred to in the clause (i) may
11 include amounts made available to the re-
12 cipient under—

13 “(I) section 504(b) or 505 of title
14 23; and

15 “(II) a transportation-related
16 grant from the National Science
17 Foundation subject to prior approval
18 by the Secretary.

19 “(4) TIER 1 UNIVERSITY TRANSPORTATION
20 CENTERS.—

21 “(A) IN GENERAL.—For each of fiscal
22 years 2012 and 2013, the Secretary shall pro-
23 vide grants of not more than \$1,500,000 each
24 to not more than 20 recipients to carry out this
25 section.

1 “(B) RESTRICTION.—A grant recipient
2 under paragraph (2) or (3) shall not be eligible
3 to receive a grant under this paragraph.

4 “(C) MATCHING REQUIREMENT.—

5 “(i) IN GENERAL.—Subject to clause
6 (iii), as a condition of receiving a grant
7 under this paragraph, a grant recipient
8 shall match 50 percent of the amounts
9 made available under the grant.

10 “(ii) SOURCES.—The matching
11 amounts referred to in clause (i) may in-
12 clude amounts made available to the recipi-
13 ent under—

14 “(I) section 504(b) or 505 of title
15 23; and

16 “(II) a transportation-related
17 grant from the National Science
18 Foundation subject to prior approval
19 by the Secretary.

20 “(iii) EXEMPTION.—This subpara-
21 graph shall not apply on a demonstration
22 of financial hardship by the applicant insti-
23 tution.

24 “(D) FOCUSED RESEARCH.—

1 “(i) IN GENERAL.—In awarding
2 grants under this paragraph, consideration
3 shall be given to minority institutions, as
4 defined by section 365 of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1067k), or
6 consortia that include such institutions
7 that have demonstrated an ability in trans-
8 portation-related research.

9 “(ii) PUBLIC TRANSPORTATION
10 ISSUES.—At least 2 of the recipients
11 awarded a grant under this paragraph
12 shall have expertise in, and focus research
13 on, public transportation issues.

14 “(d) PROGRAM COORDINATION.—

15 “(1) IN GENERAL.—The Secretary shall—

16 “(A) coordinate the research, education,
17 and technology transfer activities carried out by
18 grant recipients under this section; and

19 “(B) disseminate the results of that re-
20 search through the establishment and operation
21 of an information clearinghouse.

22 “(2) ANNUAL REVIEW AND EVALUATION.—Not
23 less frequently than annually, and consistent with
24 the plan developed under section 508 of title 23, the

1 Secretary shall review and evaluate the programs
2 carried out under this section by grant recipients.

3 “(3) PROGRAM EVALUATION AND OVER-
4 SIGHT.—For each of fiscal years 2012 and 2013, the
5 Secretary shall expend not more than 1½ percent of
6 the amounts made available to the Secretary to
7 carry out this section for any coordination, evalua-
8 tion, and oversight activities of the Secretary under
9 this section and section 5506.

10 “(e) LIMITATION ON AVAILABILITY OF AMOUNTS.—
11 Amounts made available to the Secretary to carry out this
12 section shall remain available for obligation by the Sec-
13 retary for a period of 3 years after the last day of the
14 fiscal year for which the amounts are appropriated.

15 “(f) INFORMATION COLLECTION.—Any survey, ques-
16 tionnaire, or interview that the Secretary determines to
17 be necessary to carry out reporting requirements relating
18 to any program assessment or evaluation activity under
19 this section, including customer satisfaction assessments,
20 shall not be subject to chapter 35 of title 44.”.

21 (b) CONFORMING AMENDMENT.—The analysis for
22 chapter 55 of title 49, United States Code, is amended
23 by striking the item relating to section 5505 and inserting
24 the following:

“Sec. 5505. University transportation centers program.”.

1 **SEC. 52011. BUREAU OF TRANSPORTATION STATISTICS.**

2 (a) IN GENERAL.—Subtitle III of title 49, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“CHAPTER 63—BUREAU OF**
6 **TRANSPORTATION STATISTICS**

“Sec.

“6301. Definitions.

“6302. Bureau of Transportation Statistics.

“6303. Intermodal transportation database.

“6305. Advisory council on transportation statistics.

“6306. Transportation statistical collection, analysis, and dissemination.

“6307. Furnishing of information, data, or reports by Federal agencies.

“6308. Proceeds of data product sales.

“6309. Information collection.

“6310. National transportation atlas database.

“6311. Limitations on statutory construction.

“6312. Research and development grants.

“6313. Transportation statistics annual report.

“6314. Mandatory response authority for freight data collection.

7 **“§ 6301. Definitions**

8 “In this chapter, the following definitions apply:

9 “(1) BUREAU.—The term ‘Bureau’ means the
10 Bureau of Transportation Statistics established by
11 section 6302(a).

12 “(2) DEPARTMENT.—The term ‘Department’
13 means the Department of Transportation.

14 “(3) DIRECTOR.—The term ‘Director’ means
15 the Director of the Bureau.

16 “(4) LIBRARY.—The term ‘Library’ means the
17 National Transportation Library established by sec-
18 tion 6304(a).

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1 “(I) the Federal Government;

2 “(II) State and local govern-
3 ments;

4 “(III) metropolitan planning or-
5 ganizations;

6 “(IV) transportation-related asso-
7 ciations;

8 “(V) the private sector, including
9 the freight community; and

10 “(VI) the public;

11 “(ii) establish on behalf of the Sec-
12 retary a program—

13 “(I) to effectively integrate safety
14 data across modes; and

15 “(II) to address gaps in existing
16 safety data programs of the Depart-
17 ment;

18 “(iii) work with the operating admin-
19 istrations of the Department—

20 “(I) to establish and implement
21 the data programs of the Bureau; and

22 “(II) to improve the coordination
23 of information collection efforts with
24 other Federal agencies;

1 “(II) the state of good repair of
2 United States transportation infra-
3 structure;

4 “(III) the extent, connectivity,
5 and condition of the transportation
6 system, building on the national
7 transportation atlas database devel-
8 oped under section 6310;

9 “(IV) economic efficiency across
10 the entire transportation sector;

11 “(V) the effects of the transpor-
12 tation system on global and domestic
13 economic competitiveness;

14 “(VI) demographic, economic,
15 and other variables influencing travel
16 behavior, including choice of transpor-
17 tation mode and goods movement;

18 “(VII) transportation-related
19 variables that influence the domestic
20 economy and global competitiveness;

21 “(VIII) economic costs and im-
22 pacts for passenger travel and freight
23 movement;

24 “(IX) intermodal and multimodal
25 passenger movement;

1 “(X) intermodal and multimodal
2 freight movement; and

3 “(XI) consequences of transpor-
4 tation for the human and natural en-
5 vironment;

6 “(vii) build and disseminate the trans-
7 portation layer of the National Spatial
8 Data Infrastructure developed under Exec-
9 utive Order 12906 (59 Fed. Reg. 17671)
10 (or a successor Executive Order), including
11 by coordinating the development of trans-
12 portation geospatial data standards, com-
13 piling intermodal geospatial data, and col-
14 lecting geospatial data that is not being
15 collected by other entities;

16 “(viii) issue guidelines for the collec-
17 tion of information by the Department
18 that the Director determines necessary to
19 develop transportation statistics and carry
20 out modeling, economic assessment, and
21 program assessment activities to ensure
22 that such information is accurate, reliable,
23 relevant, uniform, and in a form that per-
24 mits systematic analysis by the Depart-
25 ment;

1 “(ix) review and report to the Sec-
2 retary on the sources and reliability of—

3 “(I) the statistics proposed by
4 the heads of the operating administra-
5 tions of the Department to measure
6 outputs and outcomes as required by
7 the Government Performance and Re-
8 sults Act of 1993 (Public Law 103–
9 62;107 Stat. 285); and

10 “(II) at the request of the Sec-
11 retary, any other data collected or sta-
12 tistical information published by the
13 heads of the operating administrations
14 of the Department; and

15 “(x) ensure that the statistics pub-
16 lished under this section are readily acces-
17 sible to the public, consistent with applica-
18 ble security constraints and confidentiality
19 interests.

20 “(c) ACCESS TO FEDERAL DATA.—In carrying out
21 subsection (b)(3)(B)(ii), the Director shall be given access
22 to all safety data that the Director determines necessary
23 to carry out that subsection that is held by the Depart-
24 ment or any other Federal agency upon written request
25 and subject to any statutory or regulatory restrictions.

1 **“§ 6303. Intermodal transportation database**

2 “(a) IN GENERAL.—In consultation with the Under
3 Secretary Transportation for Policy, the Assistant Secre-
4 taries of the Department, and the heads of the operating
5 administrations of the Department, the Director shall es-
6 tablish and maintain a transportation database for all
7 modes of transportation.

8 “(b) USE.—The database established under this sec-
9 tion shall be suitable for analyses carried out by the Fed-
10 eral Government, the States, and metropolitan planning
11 organizations.

12 “(c) CONTENTS.—The database established under
13 this section shall include—

14 “(1) information on the volumes and patterns
15 of movement of goods, including local, interregional,
16 and international movement, by all modes of trans-
17 portation, intermodal combinations, and relevant
18 classification;

19 “(2) information on the volumes and patterns
20 of movement of people, including local, interregional,
21 and international movements, by all modes of trans-
22 portation (including bicycle and pedestrian modes),
23 intermodal combinations, and relevant classification;

24 “(3) information on the location and
25 connectivity of transportation facilities and services;
26 and

1 “(4) a national accounting of expenditures and
2 capital stocks on each mode of transportation and
3 intermodal combination.

4 **“§ 6304. National transportation library**

5 “(a) PURPOSE AND ESTABLISHMENT.—To support
6 the information management and decisionmaking needs of
7 transportation officials at the Federal, State, and local lev-
8 els, there is established in the Bureau a National Trans-
9 portation Library which shall—

10 “(1) be headed by an individual who is highly
11 qualified in library and information science;

12 “(2) acquire, preserve, and manage transpor-
13 tation information and information products and
14 services for use by the Department, other Federal
15 agencies, and the general public;

16 “(3) provide reference and research assistance;

17 “(4) serve as a central depository for research
18 results and technical publications of the Depart-
19 ment;

20 “(5) provide a central clearinghouse for trans-
21 portation data and information of the Federal Gov-
22 ernment;

23 “(6) serve as coordinator and policy lead for
24 transportation information access;

1 “(7) provide transportation information and in-
2 formation products and services to—

3 “(A) the Department;

4 “(B) other Federal agencies;

5 “(C) public and private organizations; and

6 “(D) individuals, within the United States
7 and internationally;

8 “(8) coordinate efforts among, and cooperate
9 with, transportation libraries, information providers,
10 and technical assistance centers, in conjunction with
11 private industry and other transportation library and
12 information centers, with the goal of developing a
13 comprehensive transportation information and
14 knowledge network that supports the activities de-
15 scribed in section 6302(b)(3)(B)(vi); and

16 “(9) engage in such other activities as the Di-
17 rector determines to be necessary and as the re-
18 sources of the Library permit.

19 “(b) ACCESS.—The Director shall publicize, facili-
20 tate, and promote access to the information products and
21 services described in subsection (a), to improve the ability
22 of the transportation community to share information and
23 the ability of the Director to make statistics and other
24 information readily accessible as required under section
25 6302(b)(3)(B)(x).

1 “(c) AGREEMENTS.—

2 “(1) IN GENERAL.—To carry out this section,
3 the Director may enter into agreements with, award
4 grants to, and receive amounts from, any—

5 “(A) State or local government;

6 “(B) organization;

7 “(C) business; or

8 “(D) individual.

9 “(2) CONTRACTS, GRANTS, AND AGREE-
10 MENTS.—The Library may initiate and support spe-
11 cific information and data management, access, and
12 exchange activities in connection with matters relat-
13 ing to the Department’s strategic goals, knowledge
14 networking, and national and international coopera-
15 tion, by entering into contracts or other agreements
16 or awarding grants for the conduct of such activi-
17 ties.

18 “(3) AMOUNTS.—Any amounts received by the
19 Library as payment for library products and services
20 or other activities shall be made available to the Di-
21 rector to carry out this section, deposited in the Re-
22 search and Innovative Technology Administration’s
23 general fund account, and remain available until ex-
24 pended.

1 **“§ 6305. Advisory council on transportation statistics**

2 “(a) IN GENERAL.—The Director shall establish and
3 consult with an advisory council on transportation statis-
4 tics.

5 “(b) FUNCTION.—The advisory council established
6 under this section shall advise the Director on—

7 “(1) the quality, reliability, consistency, objec-
8 tivity, and relevance of transportation statistics and
9 analyses collected, supported, or disseminated by the
10 Bureau and the Department; and

11 “(2) methods to encourage cooperation and
12 interoperability of transportation data collected by
13 the Bureau, the operating administrations of the De-
14 partment, States, local governments, metropolitan
15 planning organizations, and private sector entities.

16 “(c) MEMBERSHIP.—

17 “(1) IN GENERAL.—The advisory council shall
18 be composed of not fewer than 9 and not more than
19 11 members appointed by the Director.

20 “(2) SELECTION.—In selecting members for the
21 advisory council, the Director shall appoint individ-
22 uals who—

23 “(A) are not officers or employees of the
24 United States;

25 “(B) possess expertise in—

1 “(i) transportation data collection,
2 analysis, or application;

3 “(ii) economics; or

4 “(iii) transportation safety; and

5 “(C) represent a cross section of transpor-
6 tation stakeholders, to the greatest extent pos-
7 sible.

8 “(d) TERMS OF APPOINTMENT.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2), members of the advisory council shall be
11 appointed to staggered terms not to exceed 3 years.

12 “(2) ADDITIONAL TERMS.—A member may be
13 renominated for 1 additional 3-year term.

14 “(3) CURRENT MEMBERS.—A member serving
15 on an advisory council on transportation statistics
16 on the day before the date of enactment of the
17 Transportation Research and Innovative Technology
18 Act of 2012 shall serve until the end of the ap-
19 pointed term of the member.

20 “(e) APPLICABILITY OF FEDERAL ADVISORY COM-
21 MITTEE ACT.—The Federal Advisory Committee Act (5
22 U.S.C. App.) shall apply to the advisory council estab-
23 lished under this section, except that section 14 of that
24 Act shall not apply.

1 **“§ 6306. Transportation statistical collection, anal-**
2 **ysis, and dissemination**

3 “To ensure that all transportation statistical collec-
4 tion, analysis, and dissemination is carried out in a coordi-
5 nated manner, the Director may—

6 “(1) use the services, equipment, records, per-
7 sonnel, information, and facilities of other Federal
8 agencies, or State, local, and private agencies and
9 instrumentalities, subject to the conditions that the
10 applicable agency or instrumentality consents to that
11 use and with or without reimbursement for such use;

12 “(2) enter into agreements with the agencies
13 and instrumentalities described in paragraph (1) for
14 purposes of data collection and analysis;

15 “(3) confer and cooperate with foreign govern-
16 ments, international organizations, and State, mu-
17 nicipal, and other local agencies;

18 “(4) request such information, data, and re-
19 ports from any Federal agency as the Director de-
20 termines necessary to carry out this chapter;

21 “(5) encourage replication, coordination, and
22 sharing of information among transportation agen-
23 cies regarding information systems, information pol-
24 icy, and data; and

25 “(6) confer and cooperate with Federal statis-
26 tical agencies as the Director determines necessary

1 to carry out this chapter, including by entering into
2 cooperative data sharing agreements in conformity
3 with all laws and regulations applicable to the disclo-
4 sure and use of data.

5 **“§ 6307. Furnishing of information, data, or reports**
6 **by Federal agencies**

7 “(a) IN GENERAL.—Except as provided in subsection
8 (b), a Federal agency requested to furnish information,
9 data, or reports by the Director under section
10 6302(b)(3)(B) shall provide the information to the Direc-
11 tor.

12 “(b) PROHIBITION ON CERTAIN DISCLOSURES.—

13 “(1) IN GENERAL.—An officer, employee, or
14 contractor of the Bureau may not—

15 “(A) make any disclosure in which the
16 data provided by an individual or organization
17 under section 6302(b)(3)(B) can be identified;

18 “(B) use the information provided under
19 section 6302(b)(3)(B) for a nonstatistical pur-
20 pose; or

21 “(C) permit anyone other than an indi-
22 vidual authorized by the Director to examine
23 any individual report provided under section
24 6302(b)(3)(B).

25 “(2) COPIES OF REPORTS.—

1 “(A) IN GENERAL.—No department, bu-
2 reau, agency, officer, or employee of the United
3 States (except the Director in carrying out this
4 chapter) may require, for any reason, a copy of
5 any report that has been filed under section
6 6302(b)(3)(B) with the Bureau or retained by
7 an individual respondent.

8 “(B) LIMITATION ON JUDICIAL PRO-
9 CEEDINGS.—A copy of a report described in
10 subparagraph (A) that has been retained by an
11 individual respondent or filed with the Bureau
12 or any of the employees, contractors, or agents
13 of the Bureau—

14 “(i) shall be immune from legal proc-
15 ess; and

16 “(ii) shall not, without the consent of
17 the individual concerned, be admitted as
18 evidence or used for any purpose in any
19 action, suit, or other judicial or adminis-
20 trative proceedings.

21 “(C) APPLICABILITY.—This paragraph
22 shall apply only to reports that permit informa-
23 tion concerning an individual or organization to
24 be reasonably determined by direct or indirect
25 means.

1 “(3) INFORMING RESPONDENT OF USE OF
2 DATA.—If the Bureau is authorized by statute to
3 collect data or information for a nonstatistical pur-
4 pose, the Director shall clearly distinguish the collec-
5 tion of the data or information, by rule and on the
6 collection instrument, in a manner that informs the
7 respondent who is requested or required to supply
8 the data or information of the nonstatistical pur-
9 pose.

10 “(c) TRANSPORTATION AND TRANSPORTATION-RE-
11 LATED DATA ACCESS.—The Director shall be provided ac-
12 cess to any transportation and transportation-related in-
13 formation in the possession of any Federal agency, ex-
14 cept—

15 “(1) information that is expressly prohibited by
16 law from being disclosed to another Federal agency;
17 or

18 “(2) information that the agency possessing the
19 information determines could not be disclosed with-
20 out significantly impairing the discharge of authori-
21 ties and responsibilities which have been delegated
22 to, or vested by law, in such agency.

23 **“§ 6308. Proceeds of data product sales**

24 “Notwithstanding section 3302 of title 31, amounts
25 received by the Bureau from the sale of data products for

1 necessary expenses incurred may be credited to the High-
2 way Trust Fund (other than the Mass Transit Account)
3 for the purpose of reimbursing the Bureau for those ex-
4 penses.

5 **“§ 6309. Information collection**

6 “As the head of an independent Federal statistical
7 agency, the Director may consult directly with the Office
8 of Management and Budget concerning any survey, ques-
9 tionnaire, or interview that the Director considers nec-
10 essary to carry out the statistical responsibilities of this
11 chapter.

12 **“§ 6310. National transportation atlas database**

13 “(a) IN GENERAL.—The Director shall develop and
14 maintain a national transportation atlas database that is
15 comprised of geospatial databases that depict—

16 “(1) transportation networks;

17 “(2) flows of people, goods, vehicles, and craft
18 over the transportation networks; and

19 “(3) social, economic, and environmental condi-
20 tions that affect or are affected by the transpor-
21 tation networks.

22 “(b) INTERMODAL NETWORK ANALYSIS.—The data-
23 bases referred to in subsection (a) shall be capable of sup-
24 porting intermodal network analysis.

1 **“§ 6311. Limitations on statutory construction**

2 “Nothing in this chapter—

3 “(1) authorizes the Bureau to require any other
4 Federal agency to collect data; or

5 “(2) alters or diminishes the authority of any
6 other officer of the Department to collect and dis-
7 seminate data independently.

8 **“§ 6312. Research and development grants**

9 “The Secretary may make grants to, or enter into
10 cooperative agreements or contracts with, public and non-
11 profit private entities (including State transportation de-
12 partments, metropolitan planning organizations, and insti-
13 tutions of higher education) for—

14 “(1) investigation of the subjects described in
15 section 6302(b)(3)(B)(vi);

16 “(2) research and development of new methods
17 of data collection, standardization, management, in-
18 tegration, dissemination, interpretation, and anal-
19 ysis;

20 “(3) demonstration programs by States, local
21 governments, and metropolitan planning organiza-
22 tions to coordinate data collection, reporting, man-
23 agement, storage, and archiving to simplify data
24 comparisons across jurisdictions;

1 “(4) development of electronic clearinghouses of
2 transportation data and related information, as part
3 of the Library; and

4 “(5) development and improvement of methods
5 for sharing geographic data, in support of the data-
6 base under section 6310 and the National Spatial
7 Data Infrastructure developed under Executive
8 Order 12906 (59 Fed. Reg. 17671) (or a successor
9 Executive Order).

10 **“§ 6313. Transportation statistics annual report**

11 “The Director shall submit to the President and Con-
12 gress a transportation statistics annual report, which shall
13 include—

14 “(1) information on the progress of the Direc-
15 tor in carrying out the duties described in section
16 6302(b)(3)(B);

17 “(2) documentation of the methods used to ob-
18 tain and ensure the quality of the statistics pre-
19 sented in the report; and

20 “(3) any recommendations of the Director for
21 improving transportation statistical information.

22 **“§ 6314. Mandatory response authority for freight**
23 **data collection**

24 “(a) FREIGHT DATA COLLECTION.—

1 “(1) IN GENERAL.—An owner, official, agent,
2 person in charge, or assistant to the person in
3 charge of a freight corporation, company, business,
4 institution, establishment, or organization described
5 in paragraph (2) shall be fined in accordance with
6 subsection (b) if that individual neglects or refuses,
7 when requested by the Director or other authorized
8 officer, employee, or contractor of the Bureau to
9 submit data under section 6302(b)(3)(B)—

10 “(A) to answer completely and correctly to
11 the best knowledge of that individual all ques-
12 tions relating to the corporation, company, busi-
13 ness, institution, establishment, or other organi-
14 zation; or

15 “(B) to make available records or statistics
16 in the official custody of the individual.

17 “(2) DESCRIPTION OF ENTITIES.—A freight
18 corporation, company, business, institution, estab-
19 lishment, or organization referred to in paragraph
20 (1) is a corporation, company, business, institution,
21 establishment, or organization that—

22 “(A) receives Federal funds relating to the
23 freight program; and

24 “(B) has consented to be subject to a fine
25 under this subsection on—

1 “(i) refusal to supply any data re-
2 quested; or

3 “(ii) failure to respond to a written
4 request.

5 “(b) FINES.—

6 “(1) IN GENERAL.—Subject to paragraph (2),
7 an individual described in subsection (a) shall be
8 fined not more than \$500.

9 “(2) WILLFUL ACTIONS.—If an individual will-
10 fully gives a false answer to a question described in
11 subsection (a)(1), the individual shall be fined not
12 more than \$10,000.”.

13 “(b) RULES OF CONSTRUCTION.—If the provisions of
14 section 111 of title 49, United States Code, are trans-
15 ferred to chapter 63 of that title, the following rules of
16 construction apply:

17 (1) For purposes of determining whether 1 pro-
18 vision of law supersedes another based on enactment
19 later in time, a chapter 63 provision is deemed to
20 have been enacted on the date of enactment of the
21 corresponding section 111 provision.

22 (2) A reference to a section 111 provision, in-
23 cluding a reference in a regulation, order, or other
24 law, is deemed to refer to the corresponding chapter
25 63 provision.

1 (3) A regulation, order, or other administrative
2 action in effect under a section 111 provision con-
3 tinues in effect under the corresponding chapter 63
4 provision.

5 (4) An action taken or an offense committed
6 under a section 111 provision is deemed to have
7 been taken or committed under the corresponding
8 chapter 63 provision.

9 (c) CONFORMING AMENDMENTS.—

10 (1) REPEAL.—Section 111 of title 49, United
11 States Code, is repealed, and the item relating to
12 section 111 in the analysis for chapter 1 of that title
13 is deleted.

14 (2) ANALYSIS FOR SUBTITLE III.—The analysis
15 for subtitle III of title 49, United States Code, is
16 amended by inserting after the items for chapter 61
17 the following:

“Chapter 63. Bureau of Transportation Statistics.”.

18 **SEC. 52012. ADMINISTRATIVE AUTHORITY.**

19 Section 112 of title 49, United States Code, is
20 amended by adding at the end the following:

21 “(f) PROMOTIONAL AUTHORITY.—Amounts author-
22 ized to be appropriated for the administration and oper-
23 ation of the Research and Innovative Technology Adminis-
24 tration may be used to purchase promotional items of
25 nominal value for use by the Administrator of the Re-

1 search and Innovative Technology Administration in the
2 recruitment of individuals and promotion of the programs
3 of the Administration.

4 “(g) PROGRAM EVALUATION AND OVERSIGHT.—For
5 each of fiscal years 2012 and 2013, the Administrator is
6 authorized to expend not more than 1 ½ percent of the
7 amounts authorized to be appropriated for necessary ex-
8 penses for administration and operations of the Research
9 and Innovative Technology Administration for the coordi-
10 nation, evaluation, and oversight of the programs adminis-
11 tered by the Administration.

12 “(h) COLLABORATIVE RESEARCH AND DEVELOP-
13 MENT.—

14 “(1) IN GENERAL.—To encourage innovative
15 solutions to multimodal transportation problems and
16 stimulate the deployment of new technology, the Ad-
17 ministrator may carry out, on a cost-shared basis,
18 collaborative research and development with—

19 “(A) non-Federal entities, including State
20 and local governments, foreign governments, in-
21 stitutions of higher education, corporations, in-
22 stitutions, partnerships, sole proprietorships,
23 and trade associations that are incorporated or
24 established under the laws of any State;

25 “(B) Federal laboratories; and

1 “(C) other Federal agencies.

2 “(2) COOPERATION, GRANTS, CONTRACTS, AND
3 AGREEMENTS.—Notwithstanding any other provision
4 of law, the Administrator may directly initiate con-
5 tracts, grants, cooperative research and development
6 agreements (as defined in section 12 of the Steven-
7 son-Wyidler Technology Innovation Act of 1980 (15
8 U.S.C. 3710a)), and other agreements to fund, and
9 accept funds from, the Transportation Research
10 Board of the National Research Council of the Na-
11 tional Academy of Sciences, State departments of
12 transportation, cities, counties, institutions of higher
13 education, associations, and the agents of those enti-
14 ties to carry out joint transportation research and
15 technology efforts.

16 “(3) FEDERAL SHARE.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), the Federal share of the cost of an
19 activity carried out under paragraph (2) shall
20 not exceed 50 percent.

21 “(B) EXCEPTION.—If the Secretary deter-
22 mines that the activity is of substantial public
23 interest or benefit, the Secretary may approve
24 a greater Federal share.

1 “(C) NON-FEDERAL SHARE.—All costs di-
2 rectly incurred by the non-Federal partners, in-
3 cluding personnel, travel, facility, and hardware
4 development costs, shall be credited toward the
5 non-Federal share of the cost of an activity de-
6 scribed in subparagraph (A).

7 “(4) USE OF TECHNOLOGY.—The research, de-
8 velopment, or use of a technology under a contract,
9 grant, cooperative research and development agree-
10 ment, or other agreement entered into under this
11 subsection, including the terms under which the
12 technology may be licensed and the resulting royal-
13 ties may be distributed, shall be subject to the Ste-
14 venson-Wydlar Technology Innovation Act of 1980
15 (15 U.S.C. 3701 et seq.).

16 “(5) WAIVER OF ADVERTISING REQUIRE-
17 MENTS.—Section 6101 of title 41, United States
18 Code shall not apply to a contract, grant, or other
19 agreement entered into under this section.”.

20 **SEC. 52013. TRANSPORTATION RESEARCH AND DEVELOP-**
21 **MENT STRATEGIC PLANNING.**

22 Section 508(a) of title 23, United States Code, is
23 amended—

1 (1) in paragraph (1), by striking “SAFETEA-
2 LU” and inserting “Transportation Research and
3 Innovative Technology Act of 2012”; and

4 (2) in paragraph (2), by striking subparagraph
5 (A) and inserting the following:

6 “(A) describe the primary purposes of the
7 transportation research and development pro-
8 gram, which shall include, at a minimum—

9 “(i) promoting safety;

10 “(ii) reducing congestion and improv-
11 ing mobility;

12 “(iii) protecting and enhancing the
13 environment;

14 “(iv) preserving the existing transpor-
15 tation system;

16 “(v) improving the durability and ex-
17 tending the life of transportation infra-
18 structure; and

19 “(vi) improving goods movement;”.

20 **SEC. 52014. NATIONAL ELECTRONIC VEHICLE CORRIDORS**
21 **AND RECHARGING INFRASTRUCTURE NET-**
22 **WORK.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Secretary shall establish
25 a stakeholder-driven process to develop a plan and map

1 of a potential national network of electric vehicle corridors
2 and recharging infrastructure.

3 (b) REQUIREMENTS.—The plan under subsection (a)
4 shall—

5 (1) project the near- and long-term need for
6 and location of electric vehicle refueling infrastruc-
7 ture at strategic locations across all major national
8 highways, roads, and corridors;

9 (2) identify infrastructure and standardization
10 needs for electricity providers, infrastructure pro-
11 viders, vehicle manufacturers, and electricity pur-
12 chasers; and

13 (3) establish an aspirational goal of achieving
14 strategic deployment of electric vehicle infrastructure
15 by 2020.

16 (c) STAKEHOLDERS.—In developing the plan under
17 subsection (a), the Secretary shall involve, on a voluntary
18 basis, stakeholders that include—

19 (1) the heads of other Federal agencies;

20 (2) State and local officials;

21 (3) representatives of—

22 (A) energy utilities;

23 (B) the vehicles industry;

24 (C) the freight and shipping industry;

25 (D) clean technology firms;

- 1 (E) the hospitality industry;
2 (F) the restaurant industry; and
3 (G) highway rest stop vendors; and
4 (4) such other stakeholders as the Secretary de-
5 termines to be necessary.

6 **TITLE III—INTELLIGENT TRANS-**
7 **PORTATION SYSTEMS RE-**
8 **SEARCH**

9 **SEC. 53001. USE OF FUNDS FOR ITS ACTIVITIES.**

10 Section 513 of title 23, United States Code, is
11 amended to read as follows:

12 **“§ 513. Use of funds for ITS activities**

13 “(a) DEFINITIONS.—In this section, the following
14 definitions apply:

15 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
16 tity’ means a State or local government, tribal gov-
17 ernment, transit agency, public toll authority, metro-
18 politan planning organization, other political subdivi-
19 sion of a State or local government, or a multistate
20 or multijurisdictional group applying through a sin-
21 gle lead applicant.

22 “(2) MULTIJURISDICTIONAL GROUP.—The term
23 ‘multijurisdictional group’ means a combination of
24 State governments, local governments, metropolitan

1 planning agencies, transit agencies, or other political
2 subdivisions of a State that—

3 “(A) have signed a written agreement to
4 implement an activity that meets the grant cri-
5 teria under this section; and

6 “(B) is comprised of at least 2 members,
7 each of whom is an eligible entity.

8 “(b) PURPOSE.—The purpose of this section is to de-
9 velop, administer, communicate, and promote the use of
10 products of research, technology, and technology transfer
11 programs.

12 “(c) ITS DEPLOYMENT INCENTIVES.—

13 “(1) IN GENERAL.—The Secretary may—

14 “(A) develop and implement incentives to
15 accelerate the deployment of ITS technologies
16 and services within all funding programs au-
17 thorized by the Transportation Research and
18 Innovative Technology Act of 2012; and

19 “(B) for each fiscal year, use amounts
20 made available to the Secretary to carry out in-
21 telligent transportation systems outreach, in-
22 cluding through the use of websites, public rela-
23 tions, displays, tours, and brochures.

24 “(2) COMPREHENSIVE PLAN.—To carry out
25 this section, the Secretary shall develop a detailed

1 and comprehensive plan that addresses the manner
2 in which incentives may be adopted, as appropriate,
3 through the existing deployment activities carried
4 out by surface transportation modal administrations.

5 “(d) SYSTEM OPERATIONS AND ITS DEPLOYMENT
6 GRANT PROGRAM.—

7 “(1) ESTABLISHMENT.—The Secretary shall es-
8 tablish a competitive grant program to accelerate the
9 deployment, operation, systems management, inter-
10 modal integration, and interoperability of the ITS
11 program and ITS-enabled operational strategies—

12 “(A) to measure and improve the perform-
13 ance of the surface transportation system;

14 “(B) to reduce traffic congestion and the
15 economic and environmental impacts of traffic
16 congestion;

17 “(C) to minimize fatalities and injuries;

18 “(D) to enhance mobility of people and
19 goods;

20 “(E) to improve traveler information and
21 services; and

22 “(F) to optimize existing roadway capacity.

23 “(2) APPLICATION.—To be considered for a
24 grant under this subsection, an eligible entity shall

1 submit an application to the Secretary that in-
2 cludes—

3 “(A) a plan to deploy and provide for the
4 long-term operation and maintenance of intel-
5 ligent transportation systems to improve safety,
6 efficiency, system performance, and return on
7 investment, such as—

8 “(i) real-time integrated traffic, tran-
9 sit, and multimodal transportation infor-
10 mation;

11 “(ii) advanced traffic, freight, park-
12 ing, and incident management systems;

13 “(iii) advanced technologies to im-
14 prove transit and commercial vehicle oper-
15 ations;

16 “(iv) synchronized, adaptive, and
17 transit preferential traffic signals;

18 “(v) advanced infrastructure condition
19 assessment technologies; and

20 “(vi) other technologies to improve
21 system operations, including ITS applica-
22 tions necessary for multimodal systems in-
23 tegration and for achieving performance
24 goals;

1 “(B) quantifiable system performance im-
2 provements, including—

3 “(i) reductions in traffic-related
4 crashes, congestion, and costs;

5 “(ii) optimization of system efficiency;
6 and

7 “(iii) improvement of access to trans-
8 portation services;

9 “(C) quantifiable safety, mobility, and en-
10 vironmental benefit projections, including data
11 driven estimates of the manner in which the
12 project will improve the transportation system
13 efficiency and reduce traffic congestion in the
14 region;

15 “(D) a plan for partnering with the private
16 sector, including telecommunications industries
17 and public service utilities, public agencies (in-
18 cluding multimodal and multijurisdictional enti-
19 ties), research institutions, organizations rep-
20 resenting transportation and technology leaders,
21 and other transportation stakeholders;

22 “(E) a plan to leverage and optimize exist-
23 ing local and regional ITS investments; and

24 “(F) a plan to ensure interoperability of
25 deployed technologies with other tolling, traffic

1 management, and intelligent transportation sys-
2 tems.

3 “(3) SELECTION.—

4 “(A) IN GENERAL.—Not later than 1 year
5 after the date of enactment of the Transpor-
6 tation Research and Innovative Technology Act
7 of 2012, the Secretary may provide grants to
8 eligible entities under this section.

9 “(B) GEOGRAPHIC DIVERSITY.—In award-
10 ing a grant under this section, the Secretary
11 shall ensure, to the maximum extent prac-
12 ticable, that grant recipients represent diverse
13 geographical areas of the United States, includ-
14 ing urban, suburban, and rural areas.

15 “(C) NON-FEDERAL SHARE.—In awarding
16 a grant under the section, the Secretary shall
17 give priority to grant recipients that dem-
18 onstrate an ability to contribute a significant
19 non-Federal share to the cost of carrying out
20 the project for which the grant is received.

21 “(4) ELIGIBLE USES.—Projects for which
22 grants awarded under this section may be used in-
23 clude—

1 “(A) the establishment and implementation
2 of ITS and ITS-enabled operations strategies
3 that improve performance in the areas of—
4 “(i) traffic operations;
5 “(ii) emergency response to surface
6 transportation incidents;
7 “(iii) incident management;
8 “(iv) transit and commercial vehicle
9 operations improvements;
10 “(v) weather event response manage-
11 ment by State and local authorities;
12 “(vi) surface transportation network
13 and facility management;
14 “(vii) construction and work zone
15 management;
16 “(viii) traffic flow information;
17 “(ix) freight management; and
18 “(x) congestion management;
19 “(B) carrying out activities that support
20 the creation of networks that link metropolitan
21 and rural surface transportation systems into
22 an integrated data network, capable of col-
23 lecting, sharing, and archiving transportation
24 system traffic condition and performance infor-
25 mation;

1 “(C) the implementation of intelligent
2 transportation systems and technologies that
3 improve highway safety through information
4 and communications systems linking vehicles,
5 infrastructure, mobile devices, transportation
6 users, and emergency responders;

7 “(D) the provision of services necessary to
8 ensure the efficient operation and management
9 of ITS infrastructure, including costs associated
10 with communications, utilities, rent, hardware,
11 software, labor, administrative costs, training,
12 and technical services;

13 “(E) the provision of support for the es-
14 tablishment and maintenance of institutional
15 relationships between transportation agencies,
16 police, emergency medical services, private
17 emergency operators, freight operators, ship-
18 pers, public service utilities, and telecommuni-
19 cations providers;

20 “(F) carrying out multimodal and
21 crossjurisdictional planning and deployment of
22 regional transportation systems operations and
23 management approaches; and

24 “(G) performing project evaluations to de-
25 termine the costs, benefits, lessons learned, and

1 future deployment strategies associated with the
2 deployment of intelligent transportation sys-
3 tems.

4 “(5) REPORT TO SECRETARY.—For each fiscal
5 year that an eligible entity receives a grant under
6 this section, not later than 1 year after receiving
7 that grant, each recipient shall submit a report to
8 the Secretary that describes how the project has met
9 the expectations projected in the deployment plan
10 submitted with the application, including—

11 “(A) data on how the program has helped
12 reduce traffic crashes, congestion, costs, and
13 other benefits of the deployed systems;

14 “(B) data on the effect of measuring and
15 improving transportation system performance
16 through the deployment of advanced tech-
17 nologies;

18 “(C) the effectiveness of providing real-
19 time integrated traffic, transit, and multimodal
20 transportation information to the public that al-
21 lows the public to make informed travel deci-
22 sions; and

23 “(D) lessons learned and recommendations
24 for future deployment strategies to optimize

1 transportation efficiency and multimodal system
2 performance.

3 “(6) REPORT TO CONGRESS.—Not later than 2
4 years after date on which the first grant is awarded
5 under this section and annually thereafter for each
6 fiscal year for which grants are awarded under this
7 section, the Secretary shall submit to Congress a re-
8 port that describes the effectiveness of the grant re-
9 cipients in meeting the projected deployment plan
10 goals, including data on how the grant program
11 has—

12 “(A) reduced traffic-related fatalities and
13 injuries;

14 “(B) reduced traffic congestion and im-
15 proved travel time reliability;

16 “(C) reduced transportation-related emis-
17 sions;

18 “(D) optimized multimodal system per-
19 formance;

20 “(E) improved access to transportation al-
21 ternatives;

22 “(F) provided the public with access to
23 real-time integrated traffic, transit, and
24 multimodal transportation information to make
25 informed travel decisions;

1 “(G) provided cost savings to transpor-
2 tation agencies, businesses, and the traveling
3 public; and

4 “(H) provided other benefits to transpor-
5 tation users and the general public.

6 “(7) ADDITIONAL GRANTS.—If the Secretary
7 determines, based on a report submitted under para-
8 graph (5), that a grant recipient is not complying
9 with the established grant criteria, the Secretary
10 may—

11 “(A) cease payment to the recipient of any
12 remaining grant amounts; and

13 “(B) redistribute any remaining amounts
14 to other eligible entities under this section.

15 “(8) NON-FEDERAL SHARE.—The Federal
16 share of a grant under this section shall not exceed
17 50 percent of the cost of the project.

18 “(9) GRANT LIMITATION.—The Secretary may
19 not award more than 10 percent of the amounts pro-
20 vided under this section to a single grant recipient
21 in any fiscal year.

22 “(10) MULTIYEAR GRANTS.—Subject to avail-
23 ability of amounts, the Secretary may provide an eli-
24 gible entity with grant amounts for a period of mul-
25 tiple fiscal years.

1 “(11) FUNDING.—Of the funds authorized to
2 be appropriated to carry out the intelligent transpor-
3 tation system program under sections 512 through
4 518, not less than 50 percent of such funds shall be
5 used to carry out this subsection.”.

6 **SEC. 53002. GOALS AND PURPOSES.**

7 (a) IN GENERAL.—Chapter 5 of title 23, United
8 States Code, is amended by adding after section 513 the
9 following:

10 **“§ 514. Goals and purposes**

11 “(a) GOALS.—The goals of the intelligent transpor-
12 tation system program include—

13 “(1) enhancement of surface transportation ef-
14 ficiency and facilitation of intermodalism and inter-
15 national trade to enable existing facilities to meet a
16 significant portion of future transportation needs,
17 including public access to employment, goods, and
18 services and to reduce regulatory, financial, and
19 other transaction costs to public agencies and sys-
20 tem users;

21 “(2) achievement of national transportation
22 safety goals, including enhancement of safe oper-
23 ation of motor vehicles and nonmotorized vehicles
24 and improved emergency response to collisions, with

1 particular emphasis on decreasing the number and
2 severity of collisions;

3 “(3) protection and enhancement of the natural
4 environment and communities affected by surface
5 transportation, with particular emphasis on assisting
6 State and local governments to achieve national en-
7 vironmental goals;

8 “(4) accommodation of the needs of all users of
9 surface transportation systems, including operators
10 of commercial motor vehicles, passenger motor vehi-
11 cles, motorcycles, bicycles, and pedestrians (includ-
12 ing individuals with disabilities); and

13 “(5) enhancement of national defense mobility
14 and improvement of the ability of the United States
15 to respond to security-related or other manmade
16 emergencies and natural disasters.

17 “(b) PURPOSES.—The Secretary shall implement ac-
18 tivities under the intelligent transportation system pro-
19 gram, at a minimum—

20 “(1) to expedite, in both metropolitan and rural
21 areas, deployment and integration of intelligent
22 transportation systems for consumers of passenger
23 and freight transportation;

24 “(2) to ensure that Federal, State, and local
25 transportation officials have adequate knowledge of

1 intelligent transportation systems for consideration
2 in the transportation planning process;

3 “(3) to improve regional cooperation and oper-
4 ations planning for effective intelligent transpor-
5 tation system deployment;

6 “(4) to promote the innovative use of private
7 resources in support of intelligent transportation
8 system development;

9 “(5) to facilitate, in cooperation with the motor
10 vehicle industry, the introduction of vehicle-based
11 safety enhancing systems;

12 “(6) to support the application of intelligent
13 transportation systems that increase the safety and
14 efficiency of commercial motor vehicle operations;

15 “(7) to develop a workforce capable of devel-
16 oping, operating, and maintaining intelligent trans-
17 portation systems;

18 “(8) to provide continuing support for oper-
19 ations and maintenance of intelligent transportation
20 systems; and

21 “(9) to ensure a systems approach that includes
22 cooperation among vehicles, infrastructure, and
23 users.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 5 of title 23, United States Code, is amended by
3 adding after the item relating to section 513 the following:
“514. Goals and purposes.”.

4 **SEC. 53003. GENERAL AUTHORITIES AND REQUIREMENTS.**

5 (a) IN GENERAL.—Chapter 5 of title 23, United
6 States Code, is amended by adding after section 514 (as
7 added by section 53002) the following:

8 **“§ 515. General authorities and requirements**

9 “(a) SCOPE.—Subject to the provisions of this chap-
10 ter, the Secretary shall conduct an ongoing intelligent
11 transportation system program—

12 “(1) to research, develop, and operationally test
13 intelligent transportation systems; and

14 “(2) to provide technical assistance in the na-
15 tionwide application of those systems as a compo-
16 nent of the surface transportation systems of the
17 United States.

18 “(b) POLICY.—Intelligent transportation system re-
19 search projects and operational tests funded pursuant to
20 this chapter shall encourage and not displace public-pri-
21 vate partnerships or private sector investment in those
22 tests and projects.

23 “(c) COOPERATION WITH GOVERNMENTAL, PRI-
24 VATE, AND EDUCATIONAL ENTITIES.—The Secretary
25 shall carry out the intelligent transportation system pro-

1 gram in cooperation with State and local governments and
2 other public entities, the private sector firms of the United
3 States, the Federal laboratories, and institutions of higher
4 education, including historically Black colleges and univer-
5 sities and other minority institutions of higher education.

6 “(d) CONSULTATION WITH FEDERAL OFFICIALS.—
7 In carrying out the intelligent transportation system pro-
8 gram, the Secretary shall consult with the heads of other
9 Federal agencies, as appropriate.

10 “(e) TECHNICAL ASSISTANCE, TRAINING, AND IN-
11 FORMATION.—The Secretary may provide technical assist-
12 ance, training, and information to State and local govern-
13 ments seeking to implement, operate, maintain, or evalu-
14 ate intelligent transportation system technologies and
15 services.

16 “(f) TRANSPORTATION PLANNING.—The Secretary
17 may provide funding to support adequate consideration of
18 transportation systems management and operations, in-
19 cluding intelligent transportation systems, within metro-
20 politan and statewide transportation planning processes.

21 “(g) INFORMATION CLEARINGHOUSE.—

22 “(1) IN GENERAL.—The Secretary shall—

23 “(A) maintain a repository for technical
24 and safety data collected as a result of federally

1 sponsored projects carried out under this chap-
2 ter; and

3 “(B) make, on request, that information
4 (except for proprietary information and data)
5 readily available to all users of the repository at
6 an appropriate cost.

7 “(2) AGREEMENT.—

8 “(A) IN GENERAL.—The Secretary may
9 enter into an agreement with a third party for
10 the maintenance of the repository for technical
11 and safety data under paragraph (1)(A).

12 “(B) FEDERAL FINANCIAL ASSISTANCE.—
13 If the Secretary enters into an agreement with
14 an entity for the maintenance of the repository,
15 the entity shall be eligible for Federal financial
16 assistance under this section.

17 “(3) AVAILABILITY OF INFORMATION.—Infor-
18 mation in the repository shall not be subject to sec-
19 tions 552 and 555 of title 5, United States Code.

20 “(h) ADVISORY COMMITTEE.—

21 “(1) IN GENERAL.—The Secretary shall estab-
22 lish an Advisory Committee to advise the Secretary
23 on carrying out this chapter.

24 “(2) MEMBERSHIP.—The Advisory Committee
25 shall have no more than 20 members, be balanced

1 between metropolitan and rural interests, and in-
2 clude, at a minimum—

3 “(A) a representative from a State high-
4 way department;

5 “(B) a representative from a local highway
6 department who is not from a metropolitan
7 planning organization;

8 “(C) a representative from a State, local,
9 or regional transit agency;

10 “(D) a representative from a metropolitan
11 planning organization;

12 “(E) a private sector user of intelligent
13 transportation system technologies;

14 “(F) an academic researcher with expertise
15 in computer science or another information
16 science field related to intelligent transportation
17 systems, and who is not an expert on transpor-
18 tation issues;

19 “(G) an academic researcher who is a civil
20 engineer;

21 “(H) an academic researcher who is a so-
22 cial scientist with expertise in transportation
23 issues;

1 “(I) a representative from a nonprofit
2 group representing the intelligent transpor-
3 tation system industry;

4 “(J) a representative from a public interest
5 group concerned with safety;

6 “(K) a representative from a public inter-
7 est group concerned with the impact of the
8 transportation system on land use and residen-
9 tial patterns; and

10 “(L) members with expertise in planning,
11 safety, telecommunications, utilities, and oper-
12 ations.

13 “(3) DUTIES.—The Advisory Committee shall,
14 at a minimum, perform the following duties:

15 “(A) Provide input into the development of
16 the intelligent transportation system aspects of
17 the strategic plan under section 508.

18 “(B) Review, at least annually, areas of in-
19 telligent transportation systems research being
20 considered for funding by the Department, to
21 determine—

22 “(i) whether these activities are likely
23 to advance either the state-of-the-practice
24 or state-of-the-art in intelligent transpor-
25 tation systems;

1 “(ii) whether the intelligent transpor-
2 tation system technologies are likely to be
3 deployed by users, and if not, to determine
4 the barriers to deployment; and

5 “(iii) the appropriate roles for govern-
6 ment and the private sector in investing in
7 the research and technologies being consid-
8 ered.

9 “(4) REPORT.—Not later than February 1 of
10 each year after the date of enactment of the Trans-
11 portation Research and Innovative Technology Act
12 of 2012, the Secretary shall submit to Congress a
13 report that includes—

14 “(A) all recommendations made by the Ad-
15 visory Committee during the preceding calendar
16 year;

17 “(B) an explanation of the manner in
18 which the Secretary has implemented those rec-
19 ommendations; and

20 “(C) for recommendations not imple-
21 mented, the reasons for rejecting the rec-
22 ommendations.

23 “(5) APPLICABILITY OF FEDERAL ADVISORY
24 COMMITTEE ACT.—The Advisory Committee shall be

1 subject to the Federal Advisory Committee Act (5
2 U.S.C. App.).

3 “(i) REPORTING.—

4 “(1) GUIDELINES AND REQUIREMENTS.—

5 “(A) IN GENERAL.—The Secretary shall
6 issue guidelines and requirements for the re-
7 porting and evaluation of operational tests and
8 deployment projects carried out under this
9 chapter.

10 “(B) OBJECTIVITY AND INDEPENDENCE.—

11 The guidelines and requirements issued under
12 subparagraph (A) shall include provisions to en-
13 sure the objectivity and independence of the re-
14 porting entity so as to avoid any real or appar-
15 ent conflict of interest or potential influence on
16 the outcome by parties to any such test or de-
17 ployment project or by any other formal evalua-
18 tion carried out under this chapter.

19 “(C) FUNDING.—The guidelines and re-

20 quirements issued under subparagraph (A) shall
21 establish reporting funding levels based on the
22 size and scope of each test or project that en-
23 sure adequate reporting of the results of the
24 test or project.

1 “(2) SPECIAL RULE.—Any survey, question-
2 naire, or interview that the Secretary considers nec-
3 essary to carry out the reporting of any test, deploy-
4 ment project, or program assessment activity under
5 this chapter shall not be subject to chapter 35 of
6 title 44, United States Code.”.

7 (b) CONFORMING AMENDMENT.—The analysis for
8 chapter 5 of title 23, United States Code, is amended by
9 adding after the item relating to section 514 (as added
10 by section 53002) the following:

 “515. General authorities and requirements.”.

11 **SEC. 53004. RESEARCH AND DEVELOPMENT.**

12 (a) IN GENERAL.—Chapter 5 of title 23, United
13 States Code, is amended by adding after section 515 (as
14 added by section 53003) the following:

15 **“§ 516. Research and development**

16 “(a) IN GENERAL.—The Secretary shall carry out a
17 comprehensive program of intelligent transportation sys-
18 tem research and development, and operational tests of
19 intelligent vehicles, intelligent infrastructure systems, and
20 other similar activities that are necessary to carry out this
21 chapter.

22 “(b) PRIORITY AREAS.—Under the program, the Sec-
23 retary shall give higher priority to funding projects that—

24 “(1) enhance mobility and productivity through
25 improved traffic management, incident management,

1 transit management, freight management, road
2 weather management, toll collection, traveler infor-
3 mation, or highway operations systems and remote
4 sensing products;

5 “(2) use interdisciplinary approaches to develop
6 traffic management strategies and tools to address
7 multiple impacts of congestion concurrently;

8 “(3) address traffic management, incident man-
9 agement, transit management, toll collection traveler
10 information, or highway operations systems;

11 “(4) incorporate research on the impact of envi-
12 ronmental, weather, and natural conditions on intel-
13 ligent transportation systems, including the effects
14 of cold climates;

15 “(5) enhance intermodal use of intelligent
16 transportation systems for diverse groups, including
17 for emergency and health-related services;

18 “(6) enhance safety through improved crash
19 avoidance and protection, crash and other notifica-
20 tion, commercial motor vehicle operations, and infra-
21 structure-based or cooperative safety systems; or

22 “(7) facilitate the integration of intelligent in-
23 frastructure, vehicle, and control technologies.

1 “(c) FEDERAL SHARE.—The Federal share payable
2 on account of any project or activity carried out under
3 subsection (a) shall not exceed 80 percent.”.

4 (b) CONFORMING AMENDMENT.—The analysis for
5 chapter 5 of title 23, United States Code, is amended by
6 adding after the item relating to section 515 (as added
7 by section 53004) the following:

“516. Research and development.”.

8 **SEC. 53005. NATIONAL ARCHITECTURE AND STANDARDS.**

9 (a) IN GENERAL.—Chapter 5 of title 23, United
10 States Code, is amended by adding after section 516 (as
11 added by section 53004) the following:

12 **“§ 517. National architecture and standards**

13 “(a) IN GENERAL.—

14 “(1) DEVELOPMENT, IMPLEMENTATION, AND
15 MAINTENANCE.—In accordance with section 12(d) of
16 the National Technology Transfer and Advancement
17 Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783;
18 115 Stat. 1241), the Secretary shall develop and
19 maintain a national ITS architecture and supporting
20 ITS standards and protocols to promote the use of
21 systems engineering methods in the widespread de-
22 ployment and evaluation of intelligent transportation
23 systems as a component of the surface transpor-
24 tation systems of the United States.

1 “(2) INTEROPERABILITY AND EFFICIENCY.—To
2 the maximum extent practicable, the national ITS
3 architecture and supporting ITS standards and pro-
4 tocols shall promote interoperability among, and effi-
5 ciency of, intelligent transportation systems and
6 technologies implemented throughout the United
7 States.

8 “(3) USE OF STANDARDS DEVELOPMENT ORGA-
9 NIZATIONS.—In carrying out this section, the Sec-
10 retary shall support the development and mainte-
11 nance of standards and protocols using the services
12 of such standards development organizations as the
13 Secretary determines to be necessary and whose
14 memberships are comprised of, and represent, the
15 surface transportation and intelligent transportation
16 systems industries.

17 “(b) STANDARDS FOR NATIONAL POLICY IMPLEMEN-
18 TATION.—If the Secretary finds that a standard is nec-
19 essary for implementation of a nationwide policy relating
20 to user fee collection or other capability requiring nation-
21 wide uniformity, the Secretary, after consultation with
22 stakeholders, may establish and require the use of that
23 standard.

24 “(c) PROVISIONAL STANDARDS.—

1 “(1) IN GENERAL.—If the Secretary finds that
2 the development or balloting of an intelligent trans-
3 portation system standard jeopardizes the timely
4 achievement of the objectives described in subsection
5 (a), the Secretary may establish a provisional stand-
6 ard, after consultation with affected parties, using,
7 to the maximum extent practicable, the work prod-
8 uct of appropriate standards development organiza-
9 tions.

10 “(2) PERIOD OF EFFECTIVENESS.—A provi-
11 sional standard established under paragraph (1)
12 shall be published in the Federal Register and re-
13 main in effect until the appropriate standards devel-
14 opment organization adopts and publishes a stand-
15 ard.

16 “(d) CONFORMITY WITH NATIONAL ARCHITEC-
17 TURE.—

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), the Secretary shall ensure that intelligent
20 transportation system projects carried out using
21 amounts made available from the Highway Trust
22 Fund, including amounts made available to deploy
23 intelligent transportation systems, conform to the
24 appropriate regional ITS architecture, applicable

1 standards, and protocols developed under subsection
2 (a) or (c).

3 “(2) DISCRETION OF THE SECRETARY.—The
4 Secretary, at the discretion of the Secretary, may
5 offer an exemption from paragraph (1) for projects
6 designed to achieve specific research objectives out-
7 lined in the national intelligent transportation sys-
8 tem program plan or the surface transportation re-
9 search and development strategic plan developed
10 under section 508.”.

11 (b) CONFORMING AMENDMENT.—The analysis for
12 chapter 5 of title 23, United States Code, is amended by
13 adding after the item relating to section 516 (as added
14 by section 53004) the following:

“517. National architecture and standards.”.

15 **SEC. 53006. VEHICLE-TO-VEHICLE AND VEHICLE-TO-INFRA-**
16 **STRUCTURE COMMUNICATIONS SYSTEMS DE-**
17 **PLOYMENT.**

18 (a) IN GENERAL.—Chapter 5 of title 23, United
19 States Code, is amended by adding after section 517 (as
20 added by section 53005) the following:

21 **“§ 518. Vehicle-to-vehicle and vehicle-to-infrastruc-**
22 **ture communications systems deployment**

23 “(a) IN GENERAL.—Not later than 3 years after the
24 date of enactment of this section, the Secretary shall sub-
25 mit a report to the Committee on Commerce, Science, and

1 Transportation of the Senate, the Committee on Environ-
2 ment and Public Works of the Senate, the Committee on
3 Transportation and Infrastructure of the House of Rep-
4 resentatives, and the Committee on Energy and Commerce
5 of the House of Representatives that—

6 “(1) defines a recommended implementation
7 path for dedicated short-range communications tech-
8 nology and applications;

9 “(2) includes guidance on the relationship of
10 the proposed deployment of dedicated short-range
11 communications to the National ITS Architecture
12 and ITS Standards; and

13 “(3) ensures competition by not preferencing
14 the use of any particular frequency for vehicle to in-
15 frastructure operations.

16 “(b) REPORT REVIEW.—The Secretary shall enter
17 into agreements with the National Research Council and
18 an independent third party with subject matter expertise
19 for the review of the report described in subsection (a).”.

20 (b) CONFORMING AMENDMENT.—The analysis for
21 chapter 5 of title 23, United States Code, is amended by
22 adding after section 517 (as added by section 53005) the
23 following:

“518. Vehicle-to-vehicle and vehicle-to-infrastructure communications systems
deployment.”.

1 At the end, add the following:

2 **DIVISION F—BUDGETARY**
3 **EFFECTS**

4 **SEC. 60001. BUDGETARY EFFECTS.**

5 (a) PAYGO SCORECARD.—The budgetary effects of
6 this Act shall not be entered on either PAYGO scorecard
7 maintained pursuant to section 4(d) of the Statutory Pay-
8 As-You-Go Act of 2010.

9 (b) SENATE PAYGO SCORECARD.—The budgetary
10 effects of this Act shall not be recorded on any PAYGO
11 scorecard maintained for purposes of section 201 of S.
12 Con. Res. 21 (110th Congress).