

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 Trust Fund is expected to grow from  
2           \$6,280,000,000 to \$7,011,000,000, an increase of  
3           approximately 13 percent;

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

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

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

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

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

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

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 subsidized 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)

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- 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 (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 (e) 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) 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

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;

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                   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;



- 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.—Acti-  
21 vities 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           “(i) IN GENERAL.—Not later than  
2           July 31, 2012, and July 31 of every sec-  
3           ond year thereafter, the Secretary shall  
4           submit to the Committee on Transpor-  
5           tation and Infrastructure of the House of  
6           Representatives and the Committee on En-  
7           vironment and Public Works of the Senate  
8           a report that describes estimates of the fu-  
9           ture highway and bridge needs of the  
10          United States and the backlog of current  
11          highway and bridge needs.

12          “(ii) COMPARISONS.—Each report  
13          under clause (i) shall include all informa-  
14          tion necessary to relate and compare the  
15          conditions and service measures used in  
16          the previous biennial reports to conditions  
17          and service measures used in the current  
18          report.

19          “(iii) INCLUSIONS.—Each report  
20          under clause (i) shall provide recommenda-  
21          tions to Congress on changes to the High-  
22          way Performance Monitoring System that  
23          address—

24                  “(I) improvements to the quality  
25                  and standardization of data collection

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 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).

1           “(5) SECRETARY.—The term ‘Secretary’ means  
2           the Secretary of Transportation.

3   **“§ 6302. Bureau of Transportation Statistics**

4           “(a) ESTABLISHMENT.—There is established in the  
5   Research and Innovative Technology Administration the  
6   Bureau of Transportation Statistics.

7           “(b) DIRECTOR.—

8           “(1) APPOINTMENT.—The Bureau shall be  
9   headed by a Director, who shall be appointed in the  
10   competitive service by the Secretary.

11           “(2) QUALIFICATIONS.—The Director shall be  
12   appointed from among individuals who are qualified  
13   to serve as the Director by virtue of their training  
14   and experience in the collection, analysis, and use of  
15   transportation statistics.

16           “(3) DUTIES.—

17           “(A) IN GENERAL.—The Director shall—

18           “(i) serve as the senior advisor to the  
19   Secretary on data and statistics; and

20           “(ii) be responsible for carrying out  
21   the duties described in subparagraph (B).

22           “(B) DUTIES.—The Director shall—

23           “(i) ensure that the statistics com-  
24   piled under clause (vi) are designed to sup-  
25   port transportation decisionmaking by—

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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                   “(iv) continually improve surveys and  
2                   data collection methods of the Department  
3                   to improve the accuracy and utility of  
4                   transportation statistics;

5                   “(v) encourage the standardization of  
6                   data, data collection methods, and data  
7                   management and storage technologies for  
8                   data collected by—

9                               “(I) the Bureau;

10                              “(II) the operating administra-  
11                              tions of the Department;

12                              “(III) State and local govern-  
13                              ments;

14                              “(IV) metropolitan planning or-  
15                              ganizations; and

16                              “(V) private sector entities;

17                   “(vi) collect, compile, analyze, and  
18                   publish a comprehensive set of transpor-  
19                   tation statistics on the performance and  
20                   impacts of the national transportation sys-  
21                   tem, including statistics on—

22                              “(I) transportation safety across  
23                              all modes and intermodally;



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 royalti-  
13          es 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).