

112TH CONGRESS
1ST SESSION

S. 980

To promote secure ferry transportation and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2011

Mrs. MURRAY (for herself, Ms. MURKOWSKI, Ms. CANTWELL, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To promote secure ferry transportation and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLES.**

4 This Act may be cited as the “United States Ferry
5 Systems Investment Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Ferries are a vital part of the United States
9 transportation system, transporting more than

1 100,000,000 passengers annually in at least 38
2 States.

3 (2) In many congested metropolitan areas, fer-
4 ries are 1 of the few remaining options for signifi-
5 cant transportation capacity expansion.

6 (3) Ferries are the sole or primary transpor-
7 tation connection for many island and isolated com-
8 munities.

9 (4) Ferries provide a critical emergency evacu-
10 ation alternative for both large cities and remote lo-
11 cations.

12 (5) Ferries can be part of an interim solution
13 when transportation infrastructure fails, for example
14 after the terrorist attacks in New York on Sep-
15 tember 11, 2001, disrupted train service and after
16 part of the San Francisco Bay Bridge collapsed in
17 the Loma Prieta earthquake, ferries were used to
18 provide interim transportation.

19 (6) Ferries offer a relatively energy-efficient,
20 environmentally friendly, and low-stress mode of
21 travel.

22 (7) Almost all of the largest and important
23 ferry services are publicly owned or provide trans-
24 portation at public terminals, are integrated with

1 other transportation modes, and are operated in a
2 manner to serve the public interest.

3 (8) According to the Secretary of Transpor-
4 tation, nearly 25 percent of United States ferries are
5 at least 40 years old and 5 percent of United States
6 ferries are at least 60 years old.

7 (9) Federal investment in the United States
8 ferry system is necessary because—

9 (A) ferries play a unique and important
10 role in the United States transportation system;

11 (B) there is a large and growing need for
12 new and replacement ferry vessels and termi-
13 nals; and

14 (C) ferries do not fit neatly into other Fed-
15 eral, mode-specific transportation programs.

16 (10) The distribution of Federal ferry funds by
17 formula is appropriate because this method of dis-
18 tribution would dedicate more funding to the largest
19 and most important public ferry systems.

20 (11) The distribution of Federal ferry funds by
21 discretionary awards is also appropriate because this
22 method of distribution would help initiate and ex-
23 pand ferry services throughout the United States.

1 **SEC. 3. SECRETARY DEFINED.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of Transportation.

4 **SEC. 4. CONSTRUCTION OF FERRY BOATS AND FERRY TER-
5 MINAL FACILITIES.**

6 Section 147 of title 23, United States Code, is
7 amended by striking subsections (c), (d), and (e) and in-
8 serting the following:

9 “(c) DISTRIBUTION OF FUNDS.—Of the amounts
10 made available to ferry systems and public entities respon-
11 sible for developing ferries under this section in a fiscal
12 year—

13 “(1) 50 percent shall be allocated at the discre-
14 tion of the Secretary; and

15 “(2) 50 percent shall be allocated in accordance
16 with the formula set forth in subsection (d).

17 “(d) FORMULA.—Of the amounts allocated pursuant
18 to subsection (c)(2)—

19 “(1) 50 percent shall be allocated among eligi-
20 ble entities in the ratio that—

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

24 “(B) the number of ferry passengers car-
25 ried by all ferry systems in the most recent fis-
26 cal year;

1 “(2) 25 percent shall be allocated among eligi-
2 ble entities in the ratio that—

3 “(A) the number of vehicles carried by
4 each ferry system in the most recent fiscal year;
5 bears to

6 “(B) the number of vehicles carried by all
7 ferry systems in the most recent fiscal year;
8 and

9 “(3) 25 percent shall be allocated among eligi-
10 ble entities in the ratio that—

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

13 “(B) the total route miles serviced by all
14 ferry systems.

15 “(e) FUNDING.—

16 “(1) IN GENERAL.—There shall be available to
17 the Secretary from the Highway Trust Fund (other
18 than the Mass Transit Account) \$200,000,000 for
19 each of the fiscal years 2012 through 2018 to carry
20 out this section.

21 “(2) PERIOD OF AVAILABILITY.—Notwith-
22 standing section 118(b), amounts made available to
23 carry out this section shall remain available until ex-
24 pended.”.

1 **SEC. 5. ELIGIBILITY OF FERRIES FOR CLEAN FUELS GRANT**
2 **PROGRAM.**

3 Section 5308 of title 49, United States Code, is
4 amended—

5 (1) in subsection (a)(2)—

6 (A) in clause (i), by inserting “, or ferries”
7 before the semicolon at the end; and

8 (B) in clause (iii), by inserting “or ferries”
9 before the semicolon at the end; and

10 (2) in subsection (c)—

11 (A) in the subsection heading, by inserting
12 “AND FERRIES” after “BUSES”; and

13 (B) by inserting “or ferries” before the pe-
14 riod at the end.

15 **SEC. 6. FERRY JOINT PROGRAM OFFICE.**

16 (a) ESTABLISHMENT AND PURPOSE.—

17 (1) ESTABLISHMENT.—The Secretary shall es-
18 tablish within the Department of Transportation a
19 Ferry Joint Program Office (referred to in this sec-
20 tion as the “Office”) for the purposes described in
21 paragraph (2).

22 (2) PURPOSES.—The purposes of the Office
23 shall be—

24 (A) to coordinate Federal programs affect-
25 ing ferry and ferry facility construction, mainte-
26 nance, operations, and security; and

1 (B) to promote transportation by ferry as
2 a component of the United States transpor-
3 tation system.

4 (b) FUNCTIONS.—The head of the Office shall—

5 (1) coordinate programs related to ferry trans-
6 portation carried out by—

7 (A) the Department of Transportation, in-
8 cluding programs carried out by the Federal
9 Highway Administration, the Federal Transit
10 Administration, the Maritime Administration,
11 and the Research and Innovative Technology
12 Administration;

13 (B) the Department of Homeland Security;
14 and

15 (C) other Federal and State agencies, as
16 appropriate;

17 (2) ensure resource accountability for programs
18 carried out by the Secretary related to ferry trans-
19 portation;

20 (3) provide strategic leadership for research, de-
21 velopment, testing, and deployment of technologies
22 related to ferry transportation;

23 (4) promote ferry transportation as a means to
24 reduce social, economic, and environmental costs as-
25 sociated with traffic congestion; and

1 (5) develop energy efficient operating models to
2 reduce carbon emissions associated with ferry trans-
3 portation.

4 **SEC. 7. NATIONAL FERRY DATABASE.**

5 Section 1801(e) of the Safe, Accountable, Flexible,
6 Efficient Transportation Equity Act: A Legacy for Users
7 (Public Law 109–59; 23 U.S.C. 129 note) is amended—

8 (1) in paragraph (2), by inserting “, including
9 any Federal, State, and local government funding
10 sources” after “sources”; and

11 (2) in paragraph (4)—

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

14 (B) by redesignating subparagraph (C) as
15 subparagraph (D);

16 (C) by inserting after subparagraph (B),
17 the following:

18 “(C) ensure that the database is consistent
19 with the national transit database maintained
20 by the Federal Transit Administration”; and

21 (D) in subparagraph (D), as redesignated,
22 by striking “2009” and inserting “2018”.

23 **SEC. 8. NATIONAL FERRY TRANSPORTATION INSTITUTE.**

24 (a) ESTABLISHMENT.—Not later than 1 year after
25 the date of the enactment of this Act, the Secretary shall

1 award a grant to a college to establish a National Ferry
2 Transportation Institute (referred to in this section as an
3 “Institute”) at the college.

4 (b) ADMINISTRATION.—The Secretary shall award
5 and administer the grant under subsection (a) in coopera-
6 tion with the heads of appropriate entities of the Depart-
7 ment of Transportation and of the appropriate State
8 transportation department, public ferry transportation au-
9 thorities, private ferry operators, ferry builders, ferry
10 transportation employees, and other colleges, universities,
11 and research institutes.

12 (c) FUNCTIONS.—The Institute—

13 (1) shall conduct research and recommend de-
14 velopment activities on methods of improving ferry
15 transportation programs in the United States, in-
16 cluding methods of reducing wake, providing alter-
17 native propulsion, integrating use of clean, renew-
18 able fuels, and testing advanced materials for use in
19 ferry construction;

20 (2) shall develop and conduct training programs
21 for ferry transportation system employees, United
22 States Government employees, and other individuals,
23 as appropriate, on developments, techniques, and
24 procedures pertaining to the construction and oper-
25 ation of ferries;

1 (3) shall encourage and assist collaborative ef-
2 forts by public and private entities to preserve, im-
3 prove, and expand the use of ferries as a mode of
4 transportation;

5 (4) shall preserve, utilize, and display historical
6 information about the use of ferry transportation in
7 the United States and in foreign countries;

8 (5) shall develop models and recommendations
9 to enhance security on ferries and in and around
10 ferry facilities; and

11 (6) may provide funds from a grant under sub-
12 section (a) to a contractor or other entity to assist
13 the Institute in carrying out the functions described
14 in paragraphs (1) through (5).

15 (d) SELECTION CRITERIA.—In awarding the grant
16 under subsection (a), the Secretary shall consider—

17 (1) the extent to which the needs of the State
18 in which the applicant is located are representative
19 of the importance of public and private ferries to the
20 region’s transportation system, including regional
21 travel and long-range travel and service to isolated
22 communities;

23 (2) the historical importance of ferry transpor-
24 tation to the region in which the applicant is located;

1 (3) the history and diversity of the region in the
2 maritime community, including ferry construction
3 and repair and other shipbuilding activities;

4 (4) the anticipated growth of ferry transpor-
5 tation and the building of ferries in the region;

6 (5) the availability of public-private collabora-
7 tion in the region; and

8 (6) the demonstrated research and extension re-
9 sources available to the applicant to successfully
10 carry out the functions described in subsection (c).

11 (e) REQUIREMENT FOR NON-FEDERAL FUNDING.—

12 A college may not receive the grant under subsection (a)
13 unless the college certifies that it will provide, from non-
14 Federal sources, 25 percent of the costs associated with
15 establishing, operating, and maintaining the Institute, in-
16 cluding carrying out the research and development activi-
17 ties of the Institute.

18 (f) REPORT.—Not later than 1 year after the date
19 of the enactment of this Act, and annually thereafter, the
20 Secretary shall submit a report to Congress that describes
21 activities carried out under this section, including the ac-
22 tivities carried out by the Institute.

23 (g) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the Secretary

- 1 \$5,000,000 for each of the fiscal years 2012 through 2018
- 2 to carry out this section.

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