

113TH CONGRESS
1ST SESSION

H. R. 974

To amend titles 23 and 49, United States Code, to establish national policies and programs to strengthen freight-related infrastructure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2013

Mr. SIRES (for himself, Mr. SMITH of Washington, Mr. BLUMENAUER, Ms. HAHN, Ms. BROWN of Florida, and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend titles 23 and 49, United States Code, to establish national policies and programs to strengthen freight-related infrastructure, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Multimodal Opportunities Via Enhanced Freight Act of
6 2013” or the “MOVE Freight Act of 2013”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings.

TITLE I—NATIONAL AND STATE FREIGHT POLICY AND
 PLANNING

Sec. 101. National freight policy.
 Sec. 102. State freight plans.

TITLE II—NATIONAL FREIGHT INFRASTRUCTURE INVESTMENT

Sec. 201. National freight infrastructure investment grants.

1 SEC. 2. FINDINGS.

2 Congress finds the following:

3 (1) The rapid and cost efficient movement of
 4 goods throughout the United States supply chain,
 5 and particularly through United States trade gate-
 6 ways and corridors, is vital to securing the Nation's
 7 economic future and maintaining the Nation's com-
 8 petitiveness in world markets.

9 (2) More than \$16 trillion worth of freight was
 10 moved in the United States in 2010, accounting for
 11 \$13 trillion in domestic shipments and \$3 trillion in
 12 international exports and imports.

13 (3) Freight is forecasted to grow, with indica-
 14 tors showing that United States shipments will more
 15 than double between 2010 and 2040 to roughly
 16 \$39.5 trillion annually, with an estimated \$10.3 tril-
 17 lion worth of goods using multiple modes of trans-
 18 portation each year.

19 (4) By 2020, the Nation's projected surface
 20 transportation infrastructure deficiencies are ex-

1 pected to cost the national economy cumulatively al-
2 most \$900 billion in gross domestic product, rising
3 to \$2.7 billion through 2040.

4 (5) It is the responsibility of the Federal Gov-
5 ernment to support business by helping to ensure
6 multimodal freight networks that will provide reli-
7 able, efficient, and safe transportation, allowing
8 cost-effective transport of goods to markets near and
9 far.

10 (6) A national campaign of strategic investment
11 to expand capacity and increase efficiency can cir-
12 cumvent the projected loss in United States produc-
13 tivity and decline in global competitiveness.

14 (7) In establishing national policies and pro-
15 grams to strengthen freight-related infrastructure,
16 the President, Federal officials, and other relevant
17 stakeholders should consider the critical importance
18 of freight to United States businesses and global
19 economic competitiveness.

20 (8) Under the Constitution, it is the role of the
21 Federal Government to protect and promote com-
22 merce with foreign nations and among the States
23 through all reasonable means, including through in-
24 vestment in goods movement infrastructure.

1 **TITLE I—NATIONAL AND STATE**
2 **FREIGHT POLICY AND PLAN-**
3 **NING**

4 **SEC. 101. NATIONAL FREIGHT POLICY.**

5 (a) NATIONAL FREIGHT NETWORK DEFINED.—Sec-
6 tion 101(a) of title 23, United States Code, is amended—

7 (1) by redesignating paragraphs (15) through
8 (34) as paragraphs (16) through (35), respectively;
9 and

10 (2) by inserting after paragraph (14) the fol-
11 lowing:

12 “(15) NATIONAL FREIGHT NETWORK.—The
13 term ‘national freight network’ means a network
14 composed of highways, railways, navigable water-
15 ways, seaports, airports, freight intermodal connec-
16 tors, and aerotropolis transportation systems most
17 critical to the multimodal movement of freight.”.

18 (b) ESTABLISHMENT AND DESIGNATION OF NA-
19 TIONAL FREIGHT NETWORK.—Subsections (c) and (d) of
20 section 167 of title 23, United States Code, are amended
21 to read as follows:

22 “(c) ESTABLISHMENT OF NATIONAL FREIGHT NET-
23 WORK.—

24 “(1) IN GENERAL.—The Secretary shall estab-
25 lish a national freight network in accordance with

1 this section to assist States in strategically directing
2 resources toward improved system performance for
3 efficient movement of freight—

4 “(A) on highways (including highways on
5 the national highway system), railways, navi-
6 gable waterways, freight intermodal connectors,
7 and aerotropolis transportation systems; and

8 “(B) into and out of inland ports, sea-
9 ports, and airports.

10 “(2) NETWORK COMPONENTS.—The national
11 freight network shall consist of multimodal transpor-
12 tation infrastructure, including—

13 “(A) the primary freight network, as des-
14 ignated by the Secretary under subsection (d)
15 (referred to in this section as the ‘primary
16 freight network’) as the network composed of
17 highways, railways, navigable waterways, sea-
18 ports, airports, freight intermodal connectors,
19 and aerotropolis transportation systems most
20 critical to the multimodal movement of freight;

21 “(B) the portions of the Interstate System
22 not designated as part of the primary freight
23 network; and

24 “(C) critical rural freight corridors estab-
25 lished under subsection (e).

1 “(d) DESIGNATION OF PRIMARY FREIGHT NET-
2 WORK.—

3 “(1) INITIAL DESIGNATION OF PRIMARY
4 FREIGHT NETWORK.—

5 “(A) DESIGNATION.—Not later than 1
6 year after the date of enactment of this section,
7 the Secretary shall designate a multimodal pri-
8 mary freight network—

9 “(i) based on an inventory of national
10 freight volume conducted by the Secretary,
11 in consultation with stakeholders, including
12 system users, transport providers, and
13 States;

14 “(ii) that shall be comprised of—

15 “(I) not more than 27,000 miles
16 of existing major freight corridors
17 that are most critical;

18 “(II) critical rail corridors;

19 “(III) critical intermodal connec-
20 tions; and

21 “(IV) critical inland port, sea-
22 port, and airport infrastructure, at
23 the discretion of the Secretary.

1 “(B) FACTORS FOR DESIGNATION.—In
2 designating the primary freight network, the
3 Secretary shall consider—

4 “(i) the generation of national eco-
5 nomic benefits, including job creation, ex-
6 panded business opportunities, and bene-
7 fits to the gross domestic product;

8 “(ii) the origins and destinations of
9 freight movement in the United States;

10 “(iii) the total freight tonnage and
11 value of freight moved;

12 “(iv) the percentage of annual average
13 daily traffic;

14 “(v) land and maritime ports of entry;

15 “(vi) access to energy exploration, de-
16 velopment, installation, or production
17 areas;

18 “(vii) population centers; and

19 “(viii) network connectivity.

20 “(2) ADDITIONAL MILES ON MULTIMODAL PRI-
21 MARY FREIGHT NETWORK.—In addition to the miles
22 of existing major freight corridors initially des-
23 ignated under paragraph (1), the Secretary may in-
24 crease the number of miles designated as part of the
25 primary freight network by not more than 3,000 ad-

1 ditional miles of freight corridors (which may include
 2 existing or planned corridors) critical to future effi-
 3 cient movement of goods on the primary freight net-
 4 work.

5 “(3) REDESIGNATION OF PRIMARY FREIGHT
 6 NETWORK.—Effective beginning 10 years after the
 7 designation of the primary freight network and every
 8 10 years thereafter, using the designation factors de-
 9 scribed in paragraph (1), the Secretary shall redesign-
 10 nate the primary freight network (including addi-
 11 tional mileage described in paragraph (2)).”.

12 **SEC. 102. STATE FREIGHT PLANS.**

13 Section 1118(a) of MAP-21 (23 U.S.C. 167 note;
 14 126 Stat. 473) is amended—

15 (1) by striking “encourage” and inserting “re-
 16 quire”; and

17 (2) by adding at the end the following: “Each
 18 State shall coordinate with neighboring states to en-
 19 sure multistate network continuity and connectivi-
 20 ty.”.

1 **TITLE II—NATIONAL FREIGHT**
2 **INFRASTRUCTURE INVESTMENT**

3 **SEC. 201. NATIONAL FREIGHT INFRASTRUCTURE INVEST-**
4 **MENT GRANTS.**

5 (a) ESTABLISHMENT OF PROGRAM.—Chapter 55 of
6 title 49, United States Code, is amended by adding at the
7 end the following:

8 “SUBCHAPTER III—FINANCIAL ASSISTANCE
9 **“§ 5581. National freight infrastructure investment**
10 **grants**

11 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
12 of Transportation shall establish a competitive grant pro-
13 gram to provide financial assistance for capital invest-
14 ments that improve the efficiency of the national transpor-
15 tation system to move freight.

16 “(b) ELIGIBLE PROJECTS.—An applicant is eligible
17 for a grant under this section for—

18 “(1) a port development or improvement
19 project;

20 “(2) a multimodal terminal facility project;

21 “(3) a land port of entry project;

22 “(4) a freight rail improvement or capacity ex-
23 pansion project;

1 “(5) an intelligent transportation system
2 project primarily for freight benefit that reduces
3 congestion or improves safety;

4 “(6) a project that improves access to a port or
5 terminal facility;

6 “(7) an aerotropolis system, which for purposes
7 of this section is a planned and coordinated
8 multimodal freight and passenger transportation
9 network that, as determined by the Secretary, pro-
10 vides efficient, cost-effective, sustainable, and inter-
11 modal connectivity to a defined region of economic
12 significance centered around a major airport; or

13 “(8) planning, preparation, or design of any
14 project described in this subsection.

15 “(c) PROJECT SELECTION CRITERIA.—In deter-
16 mining whether to award a grant to an eligible applicant
17 under this section, the Secretary shall consider the extent
18 to which the project—

19 “(1) supports the objectives of the national
20 freight strategic plan developed under section 167(f)
21 of title 23;

22 “(2) leverages Federal investment by encour-
23 aging non-Federal contributions to the project, in-
24 cluding contributions from public-private partner-
25 ships;

1 “(3) improves the mobility of goods and com-
2 modities;

3 “(4) incorporates new and innovative tech-
4 nologies, including freight-related intelligent trans-
5 portation systems;

6 “(5) improves energy efficiency or reduces
7 greenhouse gas emissions;

8 “(6) helps maintain or protect the environment,
9 including reducing air and water pollution;

10 “(7) reduces congestion;

11 “(8) improves the condition of the freight infra-
12 structure, including bringing it into a state of good
13 repair;

14 “(9) improves safety, including reducing trans-
15 portation accidents, injuries, and fatalities;

16 “(10) demonstrates that the proposed project
17 cannot be readily and efficiently realized without
18 Federal support and participation; and

19 “(11) enhances national or regional economic
20 development, growth, and competitiveness.

21 “(d) LETTERS OF INTENT.—

22 “(1) ISSUANCE.—The Secretary may issue a
23 letter of intent to an applicant announcing an inten-
24 tion to obligate, for a major capital project under
25 this subsection, an amount from future available

1 budget authority specified in law that is not more
2 than the amount stipulated as the financial partici-
3 pation of the Secretary in the project.

4 “(2) NOTICE TO CONGRESS.—At least 30 days
5 before issuing a letter under paragraph (1), the Sec-
6 retary shall notify in writing the Committee on Com-
7 merce, Science, and Transportation of the Senate
8 and the Committee on Transportation and Infra-
9 structure of the House of Representatives of the
10 proposed letter or agreement. The Secretary shall in-
11 clude with the notification a copy of the proposed
12 letter or agreement, the criteria used under sub-
13 section (c) for selecting the project for a grant
14 award, and a description of how the project meets
15 such criteria.

16 “(3) LIMITATION.—An obligation or adminis-
17 trative commitment may be made only when
18 amounts are made available. The letter of intent
19 shall state that the contingent commitment is not an
20 obligation of the Federal Government, and is subject
21 to the availability of funds under Federal law and to
22 Federal laws in force or enacted after the date of
23 the contingent commitment.

24 “(e) FEDERAL SHARE OF NET PROJECT COST.—

1 “(1) ESTIMATE OF NET PROJECT COST.—Based
2 on engineering studies, studies of economic feasi-
3 bility, and information on the expected use of equip-
4 ment or facilities, the Secretary shall estimate the
5 net project cost.

6 “(2) FEDERAL SHARE.—The Federal share of a
7 grant for the project shall not exceed 80 percent of
8 the project net capital cost.

9 “(3) PRIORITY.—The Secretary shall give pri-
10 ority in allocating future obligations and contingent
11 commitments to incur obligations to grant requests
12 seeking a lower Federal share of the project net cap-
13 ital cost.

14 “(f) COOPERATIVE AGREEMENTS.—

15 “(1) IN GENERAL.—An applicant may enter
16 into an agreement with any public, private, or non-
17 profit entity to cooperatively implement any project
18 funded with a grant under this subchapter.

19 “(2) FORMS OF PARTICIPATION.—Participation
20 by an entity under paragraph (1) may consist of—

21 “(A) ownership or operation of any land,
22 facility, vehicle, or other physical asset associ-
23 ated with the project;

1 “(B) cost sharing of any project expense or
2 non-Federal share of the project cost, including
3 in-kind contributions;

4 “(C) carrying out administration, construc-
5 tion management, project management, project
6 operation, or any other management or oper-
7 ational duty associated with the project; and

8 “(D) any other form of participation ap-
9 proved by the Secretary.

10 “(g) OVERSIGHT PROGRAM.—

11 “(1) ESTABLISHMENT.—

12 “(A) IN GENERAL.—The Secretary shall
13 establish an oversight program to monitor the
14 effective and efficient use of funds authorized to
15 carry out this section.

16 “(B) MINIMUM REQUIREMENT.—At a min-
17 imum, the program shall be responsive to all
18 areas relating to financial integrity and project
19 delivery.

20 “(2) FINANCIAL INTEGRITY.—

21 “(A) FINANCIAL MANAGEMENT SYS-
22 TEMS.—The Secretary shall perform annual re-
23 views that address elements of the applicant’s
24 financial management systems that affect
25 projects approved under subsection (a).

1 “(B) PROJECT COSTS.—The Secretary
2 shall develop minimum standards for estimating
3 project costs and shall periodically evaluate the
4 practices of applicants for estimating project
5 costs, awarding contracts, and reducing project
6 costs.

7 “(3) PROJECT DELIVERY.—The Secretary shall
8 perform annual reviews that address elements of the
9 project delivery system of an applicant, which ele-
10 ments include one or more activities that are in-
11 volved in the life cycle of a project from conception
12 to completion of the project.

13 “(4) RESPONSIBILITY OF THE APPLICANTS.—

14 “(A) IN GENERAL.—Each applicant shall
15 submit to the Secretary for approval such
16 plans, specifications, and estimates for each
17 proposed project as the Secretary may require.

18 “(B) APPLICANT SUBRECIPIENTS.—The
19 applicant shall be responsible for determining
20 that a subrecipient of Federal funds under this
21 section has—

22 “(i) adequate project delivery systems
23 for projects approved under this section;
24 and

1 “(ii) sufficient accounting controls to
2 properly manage such Federal funds.

3 “(C) PERIODIC REVIEW.—The Secretary
4 shall periodically review the monitoring of sub-
5 recipients by the applicant.

6 “(5) SPECIFIC OVERSIGHT RESPONSIBIL-
7 ITIES.—Nothing in this section shall affect or dis-
8 charge any oversight responsibility of the Secretary
9 specifically provided for under this title or other
10 Federal law.

11 “(h) MAJOR PROJECTS.—

12 “(1) IN GENERAL.—A recipient of a grant for
13 a project under this section with an estimated total
14 cost of \$500,000,000 or more, and a recipient for
15 such other projects as may be identified by the Sec-
16 retary, shall submit to the Secretary for each
17 project—

18 “(A) a project management plan; and

19 “(B) an annual financial plan.

20 “(2) PROJECT MANAGEMENT PLAN.—A project
21 management plan shall document—

22 “(A) the procedures and processes that are
23 in effect to provide timely information to the
24 project decisionmakers to effectively manage the

1 scope, costs, schedules, quality of, and the Fed-
2 eral requirements applicable to, the project; and

3 “(B) the role of the agency leadership and
4 management team in the delivery of the project.

5 “(3) FINANCIAL PLAN.—A financial plan
6 shall—

7 “(A) be based on detailed estimates of the
8 cost to complete the project; and

9 “(B) provide for the annual submission of
10 updates to the Secretary that are based on rea-
11 sonable assumptions, as determined by the Sec-
12 retary, of future increases in the cost to com-
13 plete the project.

14 “(i) OTHER PROJECTS.—A recipient of Federal fi-
15 nancial assistance for a project under this section with an
16 estimated total cost of \$100,000,000 or more that is not
17 covered by subsection (h) shall prepare an annual financial
18 plan. Annual financial plans prepared under this sub-
19 section shall be made available to the Secretary for review
20 upon the request of the Secretary.

21 “(j) OTHER TERMS AND CONDITIONS.—The Sec-
22 retary shall determine what additional grant terms and
23 conditions are necessary and appropriate to meet the re-
24 quirements of this section.

1 “(k) REGULATIONS.—Not later than 1 year after the
2 date of enactment of this section, the Secretary shall pre-
3 scribe regulations to implement this section.

4 “(l) APPLICANT DEFINED.—In this section, the term
5 ‘applicant’ includes a State, a political subdivision of a
6 State, government-sponsored authorities and corporations,
7 and the District of Columbia.

8 “(m) SECRETARIAL OVERSIGHT.—

9 “(1) CONSTRUCTION OVERSIGHT.—The Sec-
10 retary may use no more than 1 percent of amounts
11 made available in a fiscal year for capital projects
12 under this section to enter into contracts to oversee
13 the construction of such projects.

14 “(2) COMPLIANCE REVIEWS AND AUDITS.—The
15 Secretary may use amounts available under para-
16 graph (1) to make contracts for safety, procurement,
17 management, and financial compliance reviews and
18 audits of a recipient of amounts under paragraph
19 (1).

20 “(3) FEDERAL COSTS.—The Federal Govern-
21 ment shall pay the entire cost of carrying out a con-
22 tract under this subsection.”.

23 (b) CONFORMING AMENDMENT.—The analysis for
24 chapter 55 of title 49, United States Code, is amended
25 by adding at the end the following:

“SUBCHAPTER III—FINANCIAL ASSISTANCE

“5581. National freight infrastructure investment grants.”.

